

Designing Peace

NATIONAL AND ETHNIC CONFLICT
IN THE TWENTY-FIRST CENTURY

Brendan O'Leary, Series Editor

Designing Peace

Cyprus and Institutional Innovations in Divided Societies

Neophytos Loizides

PENN

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Introduction: Institutional Innovations in Peace Processes

This book confronts the challenges of institutional design and innovation in contemporary conflict management. It bridges a gap in the peace and conflict literature by integrating understudied and apparently unrelated institutional innovations into a coherent body of transferable knowledge for divided societies. While focusing on Cyprus, it also draws on the experience of Bosnia, South Africa, and Northern Ireland to explore themes of intractability and institutional design, emphasizing institutions that sustain power-sharing, federalism, and reconciliation under ostensibly prohibitive conditions. It argues that seemingly unimportant institutional changes could have major effects on the durability of peace agreements, including their endorsement by the indigenous leadership and the wider public. Finally, it identifies effective support mechanisms for victim groups, including displaced persons and relatives of missing persons, noting strategies to maintain grassroots support for peace.

About 40 percent of the world's population currently live in countries that can be considered or claim to be federal (Watts 2002). The global spread of federal and consociational arrangements (i.e., power-sharing) has triggered a burgeoning literature across various disciplines. Yet little attention has focused on how conflict-ridden societies come to endorse power-sharing settlements or other conflict-mitigating institutions, including federal arrangements. What is particularly puzzling is the wide variation in the global distribution of such settlements, the distinctiveness of alternative institutional designs, and the curious absence of power-sharing arrangements from certain parts of the globe facing acute conflict. Why do some societies choose federal or consociational institutions to accommodate ethnic or religious diversity while others fail to do so? How do postconflict societies combine such

arrangements with reconciliation and other institutional mechanisms to support victim groups? What lessons can be learned across cases?

The book addresses these questions through an in-depth examination of the Cypriot case and other peace processes facing comparable challenges. Conventional wisdom assumes that properly designed institutions not only increase the chances of reaching a settlement in the first place but also offer better guarantees for durability, implementation and stable interethnic relations. However, there is little knowledge so far as to which institutions and when could best overcome prohibitive conditions on the ground. Drawing on specific examples from Bosnia, South Africa, and Northern Ireland, as well as successful confidence-building measures in Cyprus, *Designing Peace* enumerates the criteria for effective institutional design and demonstrates how conflict-ridden societies have framed, endorsed, and sustained novel ideas and institutions, succeeding against conditions that initially seem prohibitive. The book identifies institutional innovation as key in designing peace processes in such situations and demonstrates how institutional lessons from elsewhere could be modified and applied in future mediations in Cyprus and its broader region.

With few exceptions, the peace and conflict literature has failed to examine innovation in institutional design and how it could positively influence prospects for durable peace. Admittedly, it is hard to define the concept of institutional innovation, as by its very nature, it takes novel and unpredictable forms that frequently contradict conventional wisdom and predetermined criteria. Broadly defined, according to Nobel laureate Elenor Ostrom, institutions are “the prescriptions that humans use to organize all forms of repetitive and structured interactions including those within families, neighborhoods, markets, firms, sports leagues, churches, private associations, and governments at all scales” (2005: 3). Following Ostrom, the book focuses on how different governance systems enable individuals to solve problems by modifying rules at various levels (29) paying particular attention to how solutions to such problems are reached in novel ways. Homer-Dixon (2000) uses a related term, “ingenuity,” to subsume not only new ideas (innovations) but also ideas that, though not fundamentally novel, are nonetheless useful. And as O’Leary et al. (2005) point out, even if there is evidence of past use, it seems appropriate to use the term “institutional innovation” if a particular governance system is not well known, even among the specialists in the field.

The way institutional innovations are presented in this book presupposes a causal relationship between the proposed institutional design and a

successful outcome in a contested peace process. Divided societies offer suitable grounds for the study of institutional innovation, particularly in cases where such innovations overcome prohibitive conditions. Positive outcomes should not be overdetermined by background conditions and should occur in “least likely” (to succeed) case studies as defined by Eckstein (1975) and Gerring (2007), thereby rendering institutional design the major cause of conflict transformation. In other words, institutional innovations are particularly noteworthy if they occur in difficult settings and during tough times. The accompanying theoretical justification (of how a conflict-ridden society has reached a positive outcome) should eliminate alternative explanations, whether these are related to the structural context or other case-specific factors.

Another problematic aspect in the broader literature is the lack of scholarly work on the failures to negotiate power-sharing arrangements in divided societies aspiring to become federations and/or consociations. This is odd, given the growing scholarly awareness of the merits and prospects of power-sharing arrangements in postconflict societies (Amoretti and Bermeo 2004; Norris 2008; Haklai 2011). According to one account, of the 38 civil wars that ended through negotiations between 1945 and 1998, only the short-lived 1989 Gbadolite Accord in Angola did not include provisions for power-sharing (Hartzell and Hoddie 2003: 319). Federations and consociations could balance the concerns of conflicting majorities and minorities, eliminating the worst-case scenarios of deadly violence, secession, or state repression (Lijphart 1979; McGarry and O’Leary 2009b). Experts embracing such institutional arrangements have even pointed out that increasing the level of power-sharing enhances the likelihood of an enduring peace settlement (Hartzell and Hoddie 2003: 319). More recently, two renowned economists, Daren Acemoglu and James Robinson (2012), have also demonstrated that inclusive political and economic institutions underlie economic success (or the lack of it). Yet mediations for power-sharing often fail to materialize, even in stable and economically developed areas within the European Union, as suggested by Cyprus, the Basque country, and Northern Ireland (until 1998), or in wider Europe, as in the cases of Moldova or Georgia.

Institutional Innovations in Peace Mediations

Why does this happen, if power-sharing is a win-win situation? Although not the sole consideration, the ways novel ideas and institutions are framed in peace mediations is crucial. A minimum degree of innovation is necessary to transcend a protracted stalemate, particularly if societies that have rejected previous peace proposals are to accept a renewed mediation package. Admittedly, this is not the first work to identify the importance of institutional innovation in conflict management and federalism (Bermeo 2002; Hartzell and Hoddie 2003; Burgess 2012), power-sharing settlements (O'Leary et al. 2005; McGarry and O'Leary 2009a) or addressing the needs of victim groups (Black 2001; Kovras 2014). While some contemporary research has advocated innovative approaches to institutional design, the book goes farther, integrating seemingly unrelated innovations across a diverse set of challenges facing divided societies, from power-sharing to reconciliation and displacement.

The book adopts a comprehensive approach to conflict resolution in deeply divided societies. Most contemporary scholars tend to focus only on a narrow aspect of peace processes, although it is generally recognized that negotiated settlements require a comprehensive agreement in all areas; progress is usually conditional on drawing novel linkages among issues previously seen as unrelated (e.g., territorial concessions for one group in return for power-sharing for its ethnic antagonists). Thus, the book aims to create a new body of institutional knowledge that can be accessed by aspiring federations and consociations like Cyprus and other cases, not only in wider Europe but elsewhere in the world, from Nepal to Colombia and more recently Egypt, Yemen, and Syria, in their respective efforts to end deadly violence through negotiated power-sharing arrangements. The rise of the Islamic State in Syria and Iraq and the Russian intervention in Ukraine in 2014 further demonstrate the need for comprehensive and transferable institutional designs to prevent increasing polarization and inspire durable solutions to complex disputes with potential devastating consequences for the entire planet.

Institutional innovation is not a panacea for the problems of divided societies, of course, but if properly adjusted to local conditions, the innovations suggested in the following chapters could transcend obstacles to peace mediations across a multiplicity of cases, thus improving the lives of millions.

There is little doubt among social scientists that political institutions matter (Hall and Taylor 1996; Weaver and Rockman 1993; Acemoglu and Robinson 2012). Yet critics might argue that this influence should be less visible in

protracted stalemates, given the perceived “irrationality” of ethnic conflict. In emotionally driven confrontations that are rooted in history and everyday reality, elites and masses might understandably fail to respond to “rational incentives” (Kaufman 2006; Petersen 2011; Mock 2012). The book recognizes these limitations. For one thing, its main case study, Cyprus, provides multiple examples of how societies fail to respond to positive incentives, including European integration (see for instance, Anastasiou 2008; Diez et al. 2006, 2008). For another, the book’s main theoretical framework incorporates the importance of psychological and ideational factors, especially framing, defined by Klandermans as “a process in which social actors, media, and members of a society jointly interpret, define, and redefine states of affairs” (1997: 44). Ethnonationalist frames become embedded in domestic institutions and symbolic politics, constraining compromise in already contested peace processes. They also build on a pre-existing cultural stock drawn from the symbolic politics of a community (Desrosiers 2011; Kaufman 2011; Ross 2007), setting the limits for institutional design and innovation.

At the same time, the book challenges conventional wisdom on the limits of institutional change by noting cases that have been both successful and counter-intuitive. For one thing, identities and politics in divided societies are not fixed; in fact, the enormous suffering inflicted on populations has often enabled institutional change and guided leaders such as Nelson Mandela (in South Africa), Leymah Ghowee (in Liberia), and John Hume (in Northern Ireland) to seek innovative solutions to address conflict. For another, institutional design could address even the most intractable or emotional aspects of a particular conflict. The examples highlighted here suggest that a society’s choice of narratives and institutions could frequently overcome structural and historical constraints, signifying that neither elites nor the broader society should be held hostage to the past.

As shown here, properly designed institutions could perform a number of important functions, such as providing alternative options for early consultation, safeguarding broad inclusivity, and incentivizing improved human rights standards. First, institutions could encourage inclusivity in the mediation process and the formation of power-sharing executives. As Hartzell and Hoddie argue, groups are more likely to commit to peace if they are assured that their opponents will not be able to seize power and use it at their expense (2007: 3). Second, institutions could engage the civil society and the public earlier in the peace process and initiate confidence-building measures while addressing highly emotional questions of reconciliation. Inclusive consultation and

ratification processes could increase the legitimacy and durability of a negotiated settlement. Likewise, institutions in the form of cross-issue linkages could effectuate mutually beneficial compromises. Such compromises supporting victims, whether displaced persons or relatives of missing persons, are likely to help initiate a process of reframing symbolic politics and building trust. Particularly if human rights are addressed in a reciprocal manner, public support for the peace process could increase across the communal divide.

Finally, institutions in divided societies could increase incentives for peace and reduce critical uncertainties. As Margaret Levi argues, institutions are sets of rules and sanctions that structure social interactions defining the choices of strategic actors so as to produce outcomes that nobody has the incentive to change (1997: 25). Admittedly, institutional design in divided societies cannot eliminate risks entirely, but nonetheless, it could allow leaders to take essential but “calculated risks,” whether these involve accommodating hardliners in power-sharing agreements, granting amnesties to former paramilitaries or consulting the public in a referendum. Equally, institutions could stabilize cooperation among previously divided communities by specifying the expected benefits from a negotiated settlement, including the key areas of autonomy for each side, as well as deadlock-resolving mechanisms on issues of shared rule.

On the one hand, intelligently designed institutions could acknowledge the existence of ethnic antagonisms, and on the other, they could combine community autonomy with broadly negotiated mechanisms to reduce tensions over time (McGarry and O’Leary 2009a). Overall, the study of institutions in divided societies can have major policy implications for peacekeeping and provide new insights into theorizing comparative politics.

Why Cyprus and Divided Societies?

Geographically, Cyprus is located at the intersection of three continents as well as the Balkans and the Middle East, presenting an appropriate setting to evaluate commonalities in the experience of failed and aspiring federations or consociations. Cyprus, as a divided society, can also draw extensive lessons from elsewhere, particularly from divided places that have engaged in comparable peace arrangements under arguably similar or more difficult conditions. The book is one of the first to situate the island’s conflict within the comparative literature. It also addresses a novel question for the broader

region, namely, the relative absence of successful federal and consociational arrangements among societies evolving from the “post-Ottoman space” (see Chapter 2). With civil wars escalating in Syria and Iraq and power-sharing disputes resurfacing in Lebanon and Bosnia, any debate on institutional design in Cyprus has arguably broader regional implications and vice versa.

Equally, the Cypriot case itself provides exceptional grounds for the study of innovation in peace processes. To begin with, the United Nations has proposed several peace proposals to reunite the island that have been publicly debated between the two communities for decades, most notably in the 2004 referendums. The Cypriot mediations provide a wealth of empirical data on what could be negotiated for a set of inherently complicated issues, including power-sharing, displacement, settlers and security provisions, with generalizable implications and lessons for other divided communities. Revisiting these old ideas can be useful (particularly through comparative lenses), and as Horowitz argues, “making peace from scraps off the negotiating table” might help a future settlement (2002b). At the same time, the book emphasizes new proposals for institutional change, aiming for significant improvements compared to previous peace plans for Cyprus. While inevitable to some extent, recycling old ideas could also be detrimental for Cyprus; overreliance on past peace plans will alienate the two communities further and bring a quick end to any future mediation.

Institutional innovation is therefore an essential component of peace mediations for a reunited Cyprus. Both communities in the island have maintained high expectations as to the functionality, human rights, and security that will derive from a future settlement. Although these high (and oppositional) expectations are admittedly an obstacle in reaching a Cypriot settlement, they nonetheless motivate innovation. Inevitably, comparative lessons learned from other cases become extremely important in justifying future choices for the institutional make-up of a future federal Cyprus.

Of course, this need for innovation is not limited to Cyprus. To effect lasting and positive change, stakeholders in divided societies must be prepared to identify, redesign, and implement innovative new institutions. Examining successful peace mediations across selected cases can inform the tackling of the Cyprus problem. At the same time, identifying the shared experience and commonalities between Cyprus and other divided societies will provide transferable knowledge with broader implications for the fields of peace studies and conflict resolution.

To this end, *Designing Peace* puts forward four major and potentially transferable institutional innovations across divided societies:

- The d'Hondt process, a Northern Irish innovation on power-sharing through which membership in the executive is automatically determined by electoral strength (rather than post-election negotiations), led to unprecedented political stability in the province after 2007. Although relatively understudied, even among scholars of power-sharing, the d'Hondt executive in Northern Ireland has the potential to inspire similar arrangements across divided societies through its principles of inclusivity, automaticity and proportionality (see also McEvoy 2006, 2014; McGarry and O'Leary 2009a).
- The property, policing, and electoral design provisions (e.g., remote voting) for the victims of ethnic cleansing in post-Dayton Bosnia empowered community mobilization for peaceful voluntary return. Bosnia and the post-1999 policies that facilitated peaceful voluntary return among the internally displaced persons (IDPs) in the country deserve serious consideration, particularly the counter-intuitive variations in IDP experience following the wars in the western Balkans (Bieber 2006; Belloni 2008; Petersen 2011).
- The early mandate referendum in South Africa enabled F. W. De Klerk to preempt outbidding challenges in 1992 while concluding a peace agreement with Mandela (see Strauss 1993; Sussman 2004; Kersting 2010). Early ratification processes can increase the legitimacy and confidence of leaders aiming for a negotiated settlement; they also safeguard the peace process from reversals in public opinion.
- Finally, in Cyprus, in the groundbreaking work of the Committee for Missing Persons (CMP), humanitarian issues were delinked from the political settlement, thus enabling exhumations for the missing persons. This was described by Ban Ki-moon as “a model of successful cooperation between the Greek Cypriot and Turkish Cypriot communities” (Kovras 2014).¹

These innovations identify the fine line between human rights and political priorities while expanding constructive options for vulnerable groups directly affected by protracted conflicts. This is particularly relevant in a future unified federal polity, such as Cyprus, which aims to build common values, solidarity and shared responsibility among its citizens. Therefore, this book

situates federal studies within the broader human rights literature. While most studies on federalism and consociationalism implicitly assume the need of prioritizing human rights, little academic work has touched on this specific issue.

The Cypriot Context and Its Terminology

Decades-long negotiations in Cyprus have taken place in a conceptual vacuum, and in this, Cyprus is not alone. Politics are inevitably contested in divided societies, but at an even more basic level, so too are definitions and terminologies. Equally, key concepts are often purposely distorted to serve political interests by framing public debates against or in favor of negotiated settlements. Even the broader academic literature can fail to distinguish among interrelated concepts such as consociationalism, federalism and power-sharing (Lijphart 1979; McGarry and O'Leary 2005). These terms are germane to what follows, so let me be clear about meaning.

Consociationalism, among other key features, stipulates that power be shared by majorities and minorities, and it implies formal or informal veto rights for all parties (Lijphart 1977, 1979; McGarry and O'Leary 1993). Consociationalism involves power-sharing at the center, for instance, through the collective presidency in Bosnia or the allocation of certain key posts to members of specific groups as in Lebanon. Federalism refers to situations where authority is territorially divided between central and provincial governments, with both enjoying constitutionally separate competencies (O'Leary 2001a: 49–52). Federations could be also consociations, as in Belgium and Switzerland, but not all federations are consociations, as in the United States and Australia. In addition, it could be argued that some federations function as semi-consociations, as in Canada and India (Lijphart 1979: 513). Semi-consociations include some elements of consociations but not others, for instance proportionality and community autonomy but not guarantees for long-term power-sharing or fully effective veto rights (McCrudden and O'Leary 2013: 9–10). There are also consociational agreements with territorially intermingled populations that do not take a federal form, such as post-1960 Cyprus, Lebanon, and Northern Ireland after the 1998 Good Friday Agreement (O'Leary 2001b: 44). Power-sharing could take either territorial or non-territorial forms through the inclusion of ethnic minority parties in the central government and guaranteed veto rights. Following McGarry and

O'Leary (2009a: 16–17), the book treats power-sharing as an umbrella term encompassing both federal and consociational forms of accommodation.

Since 1974, UN proposals and resolutions for a negotiated settlement in Cyprus have included federal and consociational provisions. It has been generally assumed that a prospective negotiated settlement will incorporate two federal units and a shared administration at the central government. Terms such as “bizonal” and “bicomunal” federation (BBF), as well references to “political equality” included in already signed framework agreements and joint statements by the leaders of the two communities (see Chapter 1), point to a convergence of shared power, although, admittedly, the details and substance of a future settlement remain to be resolved.

Be that as it may, as early as the late 1970s, Cypriot leaders on both sides signed two High Level Agreements signifying initial convergence towards a bicomunal federal compromise. However, the 1977–1979 Agreements were not clearly defined; for instance, they emphasized adherence to human rights for all citizens, but the issue of Greek Cypriot resettlement in the North became subject to overcoming the “practical difficulties” of the Turkish Cypriot community (Ker-Lindsay 2011: 49–51). Moreover, the decision on whether the two communities should be territorially reintegrated to meet Greek Cypriot expectations or whether federal boundaries would assume a more “ethnic form” to satisfy the Turkish Cypriot positions was left for the future peace settlement. As for power-sharing, the degree of consociationalism versus integrationism has long been debated by the leaders of the two communities, providing useful material to assess how majority and minority leaders frame and endorse related peace proposals (see, e.g., McGarry 2011).

International experience suggests that federalism can be adapted for either consociational or integrative/centripetalist purposes;² as Sisk demonstrates, the opportunities for innovation are so extensive that federalism can be structured to serve both needs within an aspiring federation (1996: 49; see also Jarstad and Sisk 2008). But regardless of the promise of federalism, despite the absence of major incidents of violence following the *de facto* partition of 1974, and in defiance of UN mediation attempts, negotiations have failed in Cyprus. The divided island has not managed to reunify, although 2015 has seen an unexpected movement and optimism toward a settlement.

Oddly enough, both communities have at times rallied in support of the reunification of the island. For example, the Turkish Cypriots demonstrated support for a federal settlement in massive rallies in 2002–2004. They

frequently voted for moderates such as Mehmet Ali Talat, while in 2015 Turkish Cypriots brought to power leading pro-reconciliation figure Mustafa Akıncı in a resounding electoral breakthrough. Likewise, two-thirds of the Greek Cypriot public have historically voted for pro-settlement politicians hailing from either the nominally communist AKEL (Progressive Party of the Working People) or the center-right DISY (Democratic Rally). Yet these parties have failed to articulate a shared agenda on the Cyprus issue due to the history of intragroup antagonism going back to the Cold War, the 1955–1959 EOKA struggle, and the 1974 coup against Archbishop Makarios summarized in the next chapter.

Nor has the prospect of cooperating on issues such as energy and oil and natural gas exploration positively influenced the Cyprus peace talks; in fact, this could lead to worsening crises in the Eastern Mediterranean in the next decade. More important, in contrast to other parts of wider Europe, the incentives of EU-accession for both Cyprus and Turkey have failed to effect a comprehensive settlement in the island (Demetriou 2004; Tocci 2007; Ker-Lindsay 2012a). Overall, the Cypriot experience poses puzzles as to why societies choose or fail to negotiate peace settlements. Signs point to settlement and progress, and this might highly achievable in the next few years, but the larger picture so far says otherwise.

Alternative Explanations: How Societies Choose to Succeed or Fail

To explain the Cypriot stalemate, we should explore the structural, ideational, and institutional preconditions of peace settlements, both in general and as these could apply to the island. Until now, little critical attention has been paid to societies' choice of peace or conflict, how majorities opt to share power with significant minorities, or why the latter give up conflictual secessionist claims. The book builds on an established tradition, linking its case studies with the study of comparative ethnic conflict. Earlier studies on the Netherlands (Lijphart 1968), South Africa (Horowitz 1991; Guelke 1999, 2005), Israel/Palestine (Lustick 1993), and Northern Ireland (O'Leary and McGarry 1993; McGarry 2001) have shaped influential debates by bridging the gap between the social sciences and case-specific studies.

Yet few comparative studies feature Cyprus in this light despite a growing number of insightful single-case study contributions across the social

sciences (Papadakis 2005; Anastasiou 2008; Bryant 2010; Hadjipavlou 2010). Much of the comparative literature on power-sharing has dealt with the island merely in passing, while Cypriot experts have drawn less than what might be expected from the burgeoning literature of federalism and consociationalism studies.³ Aiming to balance case-oriented and comparative analysis, the book offers a theory-driven explanation of why and how some conflict-ridden societies opt for peace arrangements while others do not.

Designing Peace suggests a five-factor framework to determine why conflict-ridden societies opt for peace settlements, inspired by Jared Diamond's work on societal collapse and how societies choose to fail or succeed (2006; see also Kalyvas 2011; Acemoglu and Robinson 2012). The aim in adapting Diamond's rationale was to identify more clearly why divided societies develop differently as well as to integrate institutional choice with other interrelated variables, particularly framing processes and structural imbalances among actors. When the book was first conceptualized, the analogy with Diamond's framework had an important limitation, as collapse per se was not even a remote possibility for Cyprus or the two "motherlands" Greece and Turkey at the time. But societal collapse, like wars or ethnic violence, is difficult to predict. As the post-2008 sovereign debt crisis took on global dimensions and caused unprecedented misery in Greece, eventually also devastating the Cypriot post-1974 "economic miracle," Diamond's framework became frighteningly more relevant.

As stated above, five factors noted in Diamond's modified framework apply to Cyprus and other societies in ethnopolitical transitions. These are (1) the state of ethnic relations, especially how communities might have already damaged these relationships; (2) key changes in the local socioeconomic environment; (3) hostile neighbors; (4) support from friendly outside actors; and (5) the society's responses to its ethnopolitical make-up and specific problems.

While debating all relevant factors, the book emphasizes the importance of the last of these; a society's choice of narratives and institutions frequently determines the direction and intensity of causality in the first four. And although Diamond (2006) and more important Acemoglu and Robinson (2012) recognize the significance of inclusive institutions, their analysis tends to be framed in socioeconomic terms, leaving little space for the impact of alternative political systems particularly formal power-sharing in negotiated settlements. Societies respond differently to similar problems and, therefore, the choice and framing of innovative institutions in peacemaking is critical,

not only to secure the long-term survival of these institutions but also to ensure that a peace settlement is framed as negotiable in the first place.

Framing Institutional Designs

Goffman (1974) introduced the concept of framing to denote schemata of interpretation that enable individuals to locate, perceive, identify, and label occurrences in their life space and the world at large. Like picture frames, cognitive frames reflect existing public perceptions while restricting certain “realities,” including noteworthy institutional designs and innovations, from public attention. Frames focus attention “by bracketing what in our sensual field is relevant and what is irrelevant, what is ‘in frame’ and what is ‘out-of-frame’ in relation to the object of orientation” (Snow 2007). Ethnocentric frames constrain institutional innovation while cooperative frames could act as catalysts in conflict transformation despite prohibitive conditions prevailing in a divided society.

Frames also rely heavily on the use of analogies from the past. Jervis, for instance, maintains that analogies provide a useful shortcut to rationality by making insights derived from previous events accessible (1976: 220). Such analogies frequently convey shared understandings on the fairness and viability of peace settlements, leading to a society’s entrapment when compromises are desirable and necessary. Recent contributions point to the relationship of frames and ethnic violence (Desrosiers 2011; Kaufman 2011) or the extent to which frames constrain actions by directing people to perceive and interpret an event in a particular way (Gamson and Herzog 1999; Loizides 2015). But as this book demonstrates, peace frames propagated by the civil society and moderate politicians also enable conflict resolution by transforming the symbolic landscape of ethnic relations. The cases discussed in Chapters 3–6 demonstrate how institutional innovations could neutralize the impact of ethnonationalist frames or coexist with them in a stable symbiotic relationship, allowing ethnic communities to adapt their narratives at their own pace and in their preferred direction as the peace process evolves.

Methods and Sources

The book supports its arguments by turning to the Cypriot experience and comparing it to other divided societies, contrasting the island's power-sharing mediations to "most similar" and "most different" cases while identifying variations within Cyprus at the level of communities, institutions and political parties. The broader conflict studies literature focuses on extremists and spoilers (Ignazi 1992; Stedman 1997; Haklai 2007; Ellinas 2010) and, in the case of Cyprus, on how the "hawks" rallied the Greek community against the 2004 Annan Plan (Anastasiou 2008; Yakinthou 2009; Michael 2009). The book takes a different direction by considering positive transformation among unlikely peacemakers, not just in Cyprus, but also in Northern Ireland, Bosnia, and South Africa.

As Lijphart sees it (1968: 2), these deviant cases have considerable theoretical significance because of the light they shed on the social conditions sustaining stable and effective power-sharing engagements. And as discussed above, the book primarily relies on "least likely" (to succeed) case studies as defined by Eckstein (1975) and Gerring (2007). According to Eckstein (1975), a case could be crucial when it is "most" or "least likely" to fulfill a theoretical prediction (see also Gerring 2007). Crucial cases of peace transformation are those that initially demonstrate high levels of ethnic mobilization, extreme human rights violations, or protracted failures to negotiate peace. Because of these background conditions, such cases could be judged as least likely to exhibit patterns of peaceful transformation, rendering institutional design and innovation a plausible cause of "success" once a process of transformation has been initiated. Crucial case studies are appropriate in studying institutional innovation in conflict-ridden societies not only because they allow researchers to control for alternative explanations but also because they highlight the mechanisms through which institutions interact with the "most prohibitive" conditions for peace.

Besides the crucial-case method, the book employs comparative historical analysis focusing on why societies succeed or fail in endorsing power-sharing settlements. For this purpose, it relies on interpretive work to demonstrate the role of ethnocentric frames in constraining leaders from negotiating mutually beneficial institutional compromises, focusing primarily on historical precedents from the Balkans and the Middle East. To further assess actors' motives and actions, it draws on archival material, parliamentary records, newspaper reports, surveys and interviews with political figures

and opinion-makers, and three publicly available databases, *Greek-Turkish Negotiations and Crises 1983–2003* (Loizides 2009a), *Referendums in Peace Processes* (Loizides 2009b) and *Negotiating the Right of Return* (Loizides 2009c). Finally, it relies on policy memos previously submitted to various sides in peace mediations and feedback accumulated over years in debates of alternative institutional arrangements across a wide range of issues in divided societies.

The book's two main methodological innovations are simple but distinct. First, the book is among the first attempts to integrate the crucial-case method with comparative historical analysis and interpretive work. By relying on framing analysis including use of false analogies from the past, it addresses a major gap in the literature, namely, the relative absence of successful federal arrangements among societies evolving from the "post-Ottoman space." Second, while others have advocated innovative approaches to the study of comparative political institutions, *Designing Peace* goes farther, using negotiation and mediation analysis to integrate institutional innovations across a diverse set of challenges facing societies in transition, from power-sharing to reconciliation and displacement. It specifically relies on negotiation analysis (e.g., cross-issue linkages and scenario planning) to demonstrate how novel institutional designs inspired from elsewhere could be modified and applied in future UN negotiations in Cyprus as well as in other divided societies. Thus, each of the following chapters puts forward a new set of policy proposals, drawing on the history and politics of Cyprus and its region or on established theoretical traditions and precedents elsewhere in the world.

Chapter Outline

Chapter 1 starts with a brief history of Cyprus and highlights the main narratives of the two communities. Although neither side maintains a uniform narrative of the past, the chapter focuses on general perceptions of critical junctures in the history of Cyprus. The second part of the chapter demonstrates how such narratives continue to have an impact on peace mediations. It also looks at the collapse of consociational arrangements in the early 1960s to demonstrate how false analogies are often drawn from earlier failures to validate current opposition towards a federal Cyprus. As for future prospects for a settlement, Chapter 1 clarifies the meaning and content

of power-sharing and federalism and argues that a decentralized federal settlement is qualitatively distinctive from the earlier failed consociational arrangements.

Is Cyprus an exceptional case? Chapter 2 situates Cyprus in its geopolitical surroundings, emphasizing regional commonalities between the island and its immediate post-Ottoman neighborhood. The region features almost no exemplary or inspiring power-sharing arrangement, while containing notable and well-documented failures, such as Lebanon, Libya (1951–1963), United Arab Republic (1958–1961), post-1960 Cyprus, the former Yugoslavia (including Serbia-Montenegro), Sudan (2005–2011) and most recently Iraq. Through comparative historical analysis, the chapter offers explanations of why conflict-ridden societies in the region, including Cyprus, have not opted for federalism and consociationalism. Building on Chapter 1, it argues that a selective reading of the past and false analogies drawn from the Ottoman and western colonial legacies make the endorsement of power-sharing settlements difficult even in conditions that seem permissive.

Chapter 3 expands the discussion on institutional innovation by demonstrating how other societies have managed to break their own stalemates. Specifically, it focuses on the d'Hondt process, a Northern Irish innovation on power-sharing that has safeguarded political stability since 2007. It argues that this innovation could be exported to other divided societies simply by creating a mechanism that guarantees automatic participation of all political groups in the country's cabinet, with a share proportional to their electoral results. By avoiding risky and time-consuming negotiations following elections, the d'Hondt mechanism eliminates potential dysfunctions and delays in formation of government coalitions. Its key advantage is automaticity in formation of the cabinet by all main political actors including political parties that *are less likely* to be otherwise included in coalitions.

More important for the case of Cyprus, the d'Hondt is a flexible formula that could potentially allow the introduction of semipresidential arrangements as an additional arbitration mechanism to resolve future deadlocks; this modification could inspire similar transitions in other presidential systems such as Lebanon, Egypt, and Colombia. The book's unique promotion of semipresidentialism as a solution to the problems of divided societies marries Lijphart's consociational theory (1968) with Horowitz's centripetalism (1985, 2002a), two theories seen as hostile in most accounts, but maintains consociationalism as the dominant partner.

The Cypriot experience poses major challenges for policymakers and

academics working on displacement and settler issues. Chapter 4 focuses on displacement and argues that a negotiated settlement could address community and individual rights more effectively than its alternatives because power-sharing is based on a culture of compromise, reciprocity and mutual recognition of the need to protect vulnerable groups. The chapter re-evaluates win-win linkages in light of current negotiations, utilizing earlier proposals on the issue and the 2009 survey data of the Cyprus2015 group (focusing on Greek Cypriot displaced persons). For one thing, it draws examples from elsewhere in particular reversals of displacement in Bosnia to inform negotiations in Cyprus. For another, it examines how such proposals on critical issues such as compensations and restitution for the properties of the displaced could adjust to the island and the sovereign debt crisis.

Chapter 5 identifies a critical yet understudied question in institutional design: peace referendums. It examines the extent to which referendums are useful in the ratification of peace agreements, especially their relevance in power-sharing transitions. In some cases, communities in conflict reach a negotiated settlement by avoiding or postponing public ratification processes, as in the Zürich-London Agreements; in other cases, referendums are central to the transition phase, as in the Annan Plan. The February 2014 joint statement by Greek and Turkish Cypriot leaders stipulates that the settlement will be based on a bicomunal, bi-zonal federation with political equality and that such an agreement “may be put into separate and simultaneous referenda.”⁴

This chapter asks whether a referendum would be useful in ratifying future agreements in peace processes and, if so, how it should be designed, monitored, and implemented. Few scholars have considered referendums in federal and consociational transitions, despite their growing importance in international politics (Qvortrup 2002; Butler and Ranney 1994; Leduc 2003). Yet positive intentions in peace negotiations might be compromised by the absence of carefully designed mediation and ratification processes. Governments in Cyprus, and more recently in Israel and Colombia, have debated referendums without adequately considering comparative cases and expertise across conflict-prone societies. Referendums might also inflame already unstable ethnic relations as suggested in East Timor (Paris 2004: 219) and demonstrated more recently in the cases of Kyrgyzstan, Egypt, and Crimea. The chapter concludes by discussing the case of South Africa where an early mandate referendum contributed to the ending of Apartheid (Strauss 1993; Sussman 2004; Kersting 2010).

Chapter 6 extends the arguments of the previous chapters on intractability and builds on five successful stories of peacemakers in Cyprus to emphasize how societies in conflict can choose to reverse the most difficult aspects of their territorial division. Countering conventional wisdom, it shows that reversal of partition is not dependent on friendly or hostile neighbors; rather, it is a society's own choice. It considers six levels of society: a *municipality*, showing how the mayors of divided capital Nicosia have dealt effectively with the city's most difficult problems; a *village*, investigating how the Maronite residents of Kormakitis have regained their village under conditions of occupation; a *movement*, looking at how the Bu Memleket Bizim (this homeland is ours) movement mobilized Turkish Cypriots for peace in 2002–2004; a *party*, investigating how DISY risked its party unity by supporting the 2004 Annan Plan; and finally an *institution*, focusing on how the CMP became a successful bicommunal project on an issue that other divided societies, including Northern Ireland, have failed to resolve even after a peace settlement. Through the analysis of “relative success” stories, the chapter demonstrates the options of a comprehensive versus a gradualist approach to peacemaking and offers a broader conceptual model to negotiate peace. It challenges and amends Zartman's (1985, 2000) concept of ripeness by highlighting strategies for dormant (less promising) times in protracted mediations, negotiations. Finally, it introduces a novel framework, the “stalemate theory,” and presents the broader conceptual justification for utilizing dormant moments in peace negotiations, as those could apply, for instance, to the return to the deserted Greek Cypriot sector of Famagusta.

Chapter 7 revisits the questions of Europeanization and conflict resolution in the Levant following the discoveries of hydrocarbons. It focuses in particular on cross-issue linkage, paying special attention to alternative scenario planning for the future of the regions. It identifies mutually advantageous linkages, illustrating how these could match alternative scenarios given a number of critical uncertainties involving Turkey's EU accession and the discovery of natural gas reserves in the Eastern Mediterranean. Unlike the previous chapter's discussion of gradualist approaches, Chapter 7 debates the merits of a comprehensive settlement involving broader cross-issue linkages with Greece and Turkey. Should the Cyprus problem be solved simultaneously with the Aegean conflicts? What role can Greece and Turkey play in the Cyprus settlement in the context of an enlarged EU in the Eastern Mediterranean? How could Israel and the rest of the Levant be integrated in this equation following the discovery of natural gas reserves in the region?

Finally, it puts forward a number of propositions for regional peace and security, including alternative scenarios for the future.

The Conclusion summarizes the findings and presents a comprehensive argument for the merits of federal and consociational arrangements. It examines the limits of and defines the criteria for institutional innovations in divided societies. Innovation in institutional design, including critical knowledge of available options and dilemmas, costs domestic actors and international diplomacy much less than transforming structural or historical preconditions. Often going unnoticed, novel ideas and institutional innovation have incentivized cooperation and helped resolve intractable disputes. Simply stated, innovative institutional design could foster durable and negotiable peace settlements, ones that are compatible with local expectations and universal human rights standards.

Chapter 1

A Federal Cyprus? Consociational Failures and Prospects

Cyprus has experienced conflict at various times in its recent history, and this has inevitably shaped adversarial narratives across the communal divide. Understanding the background of the Cypriot conflict, especially how each community generally perceives certain critical historical junctures, is important before debating potential institutional choices for the future. In particular, identifying the reasons behind failures in previous consociational compromises and mediations is critical as analogies are often made across time and space to inform subsequent decisions. For instance, at critical moments in the past critics have drawn parallels between proposals for the reunification of Cyprus (e.g., the 2002–2004 Annan Plan) and the 1959 Zürich-London Agreements that led to the establishment and subsequent collapse of consociationalism in Cyprus.

Neither community has maintained a homogeneous narrative in its framing of the Cyprus problem, however certain perceptions about the past seem to persist across the ethnic divide. The chapter first presents a short history of the Cyprus problem and then focuses on the most significant up to mid-2015 United Nations mediation attempt in Cyprus, the Annan Plan, which divided each side into those favoring the proposed settlement and those opposing it. While challenging the narratives and arguments of the critics, this chapter also recognizes critical institutional gaps in past UN mediation processes in the island of broader relevance to postconflict peacebuilding. Moreover, the chapter recognizes that history shapes the boundaries of what is possible for the future of conflict-ridden societies and argues that, in Cyprus, a federal arrangement will have better prospects, if it assumes a decentralized form.

Drawing on the history, particularly past failures in mediating federalism and consociationalism in Cyprus, the chapter discusses how decentralized federalism could offer a negotiable and durable alternative.

Cypriot History and Narratives

The Ottomans conquered the island in 1571, but Cyprus escaped the devastating wars of the late Ottoman era, as it was transferred to the British following the Berlin Congress in 1878. Officially, it became a crown colony in 1925; Turkey recognized the 1914 annexation of the island by the British in the 1923 Treaty of Lausanne (article 20). The first decades of colonial rule were punctuated with minimal conflict, but gradually both communities developed stronger attachments to their respective “motherlands” and became more assertive in their ethnopolitical demands (Demetriou 2012). Thus, the narratives of the two communities diverge in their explanations of the origins of the bicomunal violence (for a summary of major historical events and the respective narratives of each community see Table 1 below).

Even though they fought in World War II on the side of the British, in the 1950s, Greek Cypriots under the leadership of Archbishop Makarios started an active campaign against colonial rule and demanded *enosis* (union) with Greece. Like other colonial peoples, they felt eligible for freedom and self-determination, also citing their demographic majority status at about 80 percent of the population. In January 1950, 95.73 percent of Greek-Cypriots voted in favor of union with Greece in a “plebiscite” (in the form of signature collections) led by the Church (Crawshaw 1978: 34–56; Averoff-Tossizza 1986: 8–9).

Turkish Cypriot counter-mobilization developed almost simultaneously and emphasized geographic proximity to Turkey, as well as previous ownership of the island. In response to *enosis*, Turkish Cypriots, with the backing of Turkey, demanded *taksim* (partition) of Cyprus into two separate territories (Bahcheli 1972: 60; Attalides 1977: 78–86). In a massive demonstration in December 1949, attended by 15,000 people, Turkish Cypriots demanded that the island be returned to Turkey if Britain decided to leave (Gazioğlu 1996: 455).

Between 1955 and 1959, the National Organization of Cypriot Fighters (EOKA) attempted to end colonial rule and unite the island with Greece. The EOKA leadership initially promised not to target the Turkish Cypriot

community and avoided bicommunal incidents until 1958. However, for the Turkish Cypriots, maintaining colonial rule was preferable to a potentially hostile Greek administration. Following the start of the EOKA campaign, they actively sided with colonial authorities to make up for Greek Cypriot police officers who resigned from their positions (Ker-Lindsay 2004: 16). According to Turkish Cypriot accounts, it was expected that “sooner or later the campaign of terror would be directed against the Turkish Cypriot community” (Necatigil 1998: 7). As the latter supported the British against EOKA, retaliations did take place, triggering further attacks and counterattacks (Bahcheli 1972: 55).

Turkey added its strategic interests to the equation and insisted that any change in the status quo would necessitate a revision of the Lausanne treaty of 1923 (Bahcheli 1972: 71). The Turkish side drew attention to the treatment of the approximately 100,000 Turks living in Western Thrace (57) and cited historical analogies to claim Turkish Cypriots might face the same fate as their co-ethnics in Crete and the Balkans (Kızılyürek 1999: 64; Denktaş 1982: 19; Gazioglu 1996: 85–97). For the most part, Turkish Cypriot positions aimed at preventing the island from being dominated by Greeks and implied an understanding that no change to status quo was possible without the community’s consent (Ertekün 1984: 1–5; Necatigil 1998: 7–8).

For the Greek Cypriot majority, such consent was unimaginable, given the prevailing climate of rival ethnonationalist mobilizations. The Greek Cypriot side employed demographic, historical, and cultural arguments to demand “*enosis* and only *enosis*.” Turkish Cypriots were not included in the anti-British campaign, even at a symbolic level, in what Greek Cypriots considered their national struggle for self-determination. Greek nationalism in Cyprus drew its symbolism and inspiration from the mainland, and the symbols of Greek Cypriot armed struggle (1955–1959) were carefully selected to correspond to Greek ones. EOKA initially planned to begin action on the anniversary of Greek revolution on March 25, 1955, also a major Greek Orthodox religious holiday (Papadakis 1999: 25).

EOKA’s military leader Georgios Grivas was a controversial figure of the Greek Civil War who saw communists as outside the national community and as obstacles to attainment of nationalist goals (Holland 1998: 29–30; Crawshaw 1978: 42–91). He found strong allies in the ultra-conservative Church of Cyprus, which was threatened by the rise of the communist left among the working classes (Markides 1977; Servas 1997). Even though it occasionally emphasized a shared Cypriot identity, the left chose not to

challenge the major tenets of Greek nationalism; in fact, even after independence, AKEL followed the mainstream Greek Cypriot position and, at times, even supported union with Greece (Markides 1977: 63; Averoff-Tossizza 1986:7; Drousiotis 1998: 40–46; Diglis 2010).

The 1959 Zürich-London Agreements were seen as a “forced partnership” imposed on the two communities by their respective “motherlands” in the prevailing climate of the Cold War (Xydis 1973). The Agreements, the first and only power-sharing attempt, lasted for just three years. Critics point to consociationalism itself as a cause, particularly the separate election of community leaders (a Greek Cypriot president and Turkish Cypriot vice-president voted only in their respective communities), the mutual vetoes of the two leaders and the over-representation of the minority Turkish Cypriots in the cabinet and civil service (Adams 1966; Polyviou 1980; Anderson 2008).

Yet attributing the failure of the Zürich-London Agreements to consociationalism per se has significant flaws. To begin with, the “presidential consociationalism” of the Agreements would not have been the preferred institutional choice of consociational theorists (Linz 1990; Lijphart 2004; McGarry 2011). Since the 1980s, Juan Linz has emphasized that presidentialism is less likely than parliamentarism to sustain stable democratic regimes (see also Mainwaring and Shugart 1997: 449). Presidentialism tends to introduce a majoritarian (“winner-take-all”) logic into the politics of divided societies, which is often incompatible with the very essence of power-sharing. The view that ethnically diverse societies are better served by parliamentarianism than by presidentialism is now widely accepted in comparative political science and illustrated in recent failures of presidential regimes to secure democratic transitions in Egypt, Zimbabwe, and Kyrgyzstan (McGarry 2013).¹

Moreover, as Lijphart (1977: 160) argues, the main reason for the failure of consociationalism in Cyprus is that it could not be imposed against the wishes of one or more segments in a plural society, in particular, against the majority community. In this respect, the Cypriot case parallels Northern Ireland and Sri Lanka, with the dual imbalance of power constituting the crucially unfavorable factor as each community managed to see itself as a minority facing an existential threat (160; see also Trimikliniotis 2006). But as the example of Northern Ireland suggests, structural disadvantages do not predetermine consociational failures, if institutions are designed to address such weaknesses and win ratification by majorities in peace referendums. In Cyprus, the unfavorable “dual imbalance of power” factor could have been

mitigated by improving incentives for cooperation, making better security arrangements in the island and the region and eliminating unconstructive ambiguities about decentralization (e.g., with regard to the issue of separate municipalities, which had been an issue of immediate importance to both sides).

Both Greece and Turkey had already joined NATO in 1952, but membership did not mitigate the security dilemmas in the Greece-Turkey-Cyprus triangle (Krebs 1999: 357; Güney 2004). In fact, the Zürich-London Agreements institutionalized the military presence of Greece and Turkey in Cyprus as guarantor powers without their having to cooperate within the institutionalized structures of NATO or with the limited UN forces after 1964 (Joseph 1997: 21; Necatigil 1998: 9–20). Despite an earlier informal agreement for Cyprus to join NATO, the Republic became a member of the Non-Aligned Movement (Xydis 1973: 413). And while the decision was made against the wishes of Turkish Cypriot leaders, they did not use their constitutional veto (Ker-Lindsay 2004: 20). In fact, the Turkish government opted against Cyprus joining NATO, as membership would have severely curtailed and delayed Turkey's ability to act in the island (20).

Given the staggering security gap, it was only a matter of time before ethnic nationalism trumped power-sharing and shared visions of citizenship. Greek Cypriots saw the Agreements as the first step toward *enosis* while Turkish Cypriots continued to hold *taksim* as their priority. Both EOKA and the Turkish Resistance Organization (TMT) had already established strong organizational networks throughout the island. More important, (unconstructive) ambiguities in the constitution concerning municipal decentralization fueled grievances about the “forced nature” of the partnership. The Agreements provided for separate municipalities in major cities. At the same time, Article 173 made those provisions subject to the future approvals of the president and vice-president, with no clarity on the extent of their authority or territorial boundaries. As Dianne Markides argues, the strong Greek Cypriot reactions to the realities of municipal partition, the ambiguity of the wording of Article 173 and the failure of the guarantor powers to make the necessary clarifications fueled the constitutional breakdown in the early 1960s (2001). In the absence of effective and credible external guarantees, both communities remained captive to their fears of being pre-empted by the other (or by the “motherlands”). As a result, both engaged in preemptive militarization and violence, leading to the breakdown of the consociational arrangements in 1963–1964.

The official narratives of the two communities differ in their interpretation of the collapse of power-sharing arrangements. Several thousand members of the Turkish Cypriot community were displaced into enclaves and the community was economically isolated for more than a decade (Patrick 1976), forcing it to rely on Turkey for protection and international representation (Vural and Rustemli 2006: 338). The Greek Cypriot side, which gained the right to represent the Republic of Cyprus in international organizations including the United Nations, interpreted the 1963–64 events as a revolt against the legitimate state (Joseph 1997: 100; Necatigil 1998: 48–51). Nonetheless, in the 1968–1974 period, the two communities came close to a compromise with limited regional autonomy for Turkish Cypriots in exchange for accommodating most amendments proposed by Greek Cypriot leaders in 1963.

According to Glafkos Clerides, who led these negotiations for the Greek Cypriot side, President Makarios rejected the proposed settlement because of Denktaş's demand to renounce Greek Cypriot aspirations for *enosis* (Clerides 1989–1992, 2007). As argued elsewhere in this book, ethnocentric framing, particularly with regard to national entitlements, could constrain leaders from negotiating necessary and mutually beneficial institutional compromises. While Clerides recognized the necessity of these compromises, he admits that he could not confront Makarios or the dominant narratives in his own community (Clerides 2007).

These negotiations were interrupted by the Turkish invasion of the island on July 20, 1974. Turkey intervened militarily to prevent what it saw as an attempt by the Greek Junta to unite Cyprus with Greece in a coup against Makarios five days earlier. During the invasion, approximately 140,000 Greek Cypriots were forced by the Turkish military to flee from the North, while around 40,000 Turkish Cypriots living in the South chose or were coerced to abandon their houses and move to the North (Fisher 2001: 311). Fearing the demographic separation of the two communities, the Greek Cypriot leadership initially refused to allow Turkish Cypriots to settle in the North but consented to do so in the 1975 Vienna Agreement. The same Agreement promised protection for the remaining 20,000 Greek Cypriots in the North; however, the UN mission in Cyprus (UNFICYP), with its limited capabilities, failed to implement this agreement. In the end, the new authorities in the North forced the overwhelming majority of remaining Greek Cypriots into the South (Sambanis 1999; Richmond and Ker-Lindsay 2001).

The events of 1974 understandably angered Greek Cypriots and caused them much anxiety about their future. The Junta coup against Makarios

forced people to join opposing camps and fight against their co-ethnics; punishing coup participants was extremely difficult given the bitter history of internal Greek Cypriot antagonism between supporters and opponents of Makarios. The sense of betrayal reached a high when Turkey invaded Cyprus (Attalides 1979: 57–79; Peristianis 1995: 131). At this point, the hitherto nationalistic junta returned authority to politicians and abandoned a divided Cyprus to Turkey. The July 20, 1974, invasion is the equivalent for the Greek Cypriots of the al-Nakba Day for Palestinians commemorating their displacement following the 1948 Palestine War (or the War of Independence for Israelis). For decades, the Greek Cypriots pointed to their displacement, missing persons and suffering following the invasion, emphasizing the illegality of the army-controlled areas in the North (Joseph 1997; Sambanis 1999; Ker-Lindsay 2011). Greek Cypriot soldiers returned from the battlefield, bitter from having to fight against a superior enemy without mainland Greek support. Mock (2011) demonstrated how such symbols of defeat shape the construction of national identity in conflict-ridden zones around the globe. Significantly, the 1974 defeat also caused Greek Cypriots to challenge their unquestioned attachment to mainland Greek nationalism.

Interestingly, while Greek Cypriots remained highly oppositional to Turkey, they attempted to accommodate Turkish Cypriot positions in the 1977–1979 High Level Agreements for a federal Cyprus (Peristianis 1998). In fact, one of the major postwar successes of the Greek Cypriot leadership was to overcome the *enosis* discourse and establish a new vision emphasizing a federal compromise which, since the 1990s, has been combined with the prospect of Europeanization for the whole island. To meet these goals, the George Vasilou and Glafkos Clerides presidencies (supported by ideological rivals AKEL and DISY respectively) fostered consensus on the need for close cooperation with moderate Greek governments, while Greek prime ministers Constantine Mitsotakis and Kostas Simitis offered support and political legitimacy to compromises made during intercommunal negotiations (Clerides 1989/1992, 2007; Bahcheli and Rizopoulos 1996).

Overall, the decades following the 1974 invasion present a relatively complex picture. The Cypriot conflict has generally been seen as frozen and intractable (and rightly so), but as demonstrated in the *Greek-Turkish Negotiations and Crises 1983–2003* database there are limits to this view.² On the one hand, in the 1984–1986, 1992, and 2002–2004 periods, decisive UN mediations on the Cyprus problem almost led to a settlement (Groom 1986; Bolukbasi 1995; Richmond and Ker-Lindsay 2001; Faustmann 2004).

Unfortunately, they failed despite early promising signs. On the other hand, and more worrisomely, the two “motherlands” came close to an armed confrontation in 1977, 1987, and 1996, suggesting that the Cypriot conflict has contributed to a broader regional insecurity. With the exception of the past decade, Greece and Turkey have been in a near-war situation at least once every decade since their entry into NATO.

Probably the most serious incident occurred in January 1996, when Greece and Turkey came close to a war over ownership of two uninhabited islands in the Aegean (the Imia/Kardak crisis). Following this incident, Clerides added a military angle to the already close relationship with Greece, emphasizing further the Joint Defense Doctrine that included stronger military ties with Greece and purchase of S-300 missiles from Russia (Prodromou 1998; Kızılyürek 2006). Agreed on three years earlier by Andreas Papandreou and Clerides, the joint defense doctrine stipulated inclusion of Cyprus in the Greek defense plan, joint political decisions on the Cyprus issue, and Greek commitment to declare war on Turkey in the event of a future military advance into Cyprus (Migdalovitz 2003). Through the deliberate militarization of the conflict, Clerides aimed to turn international attention to the Cyprus problem while appeasing the nationalist-minded fraction of the Democratic Rally and courting votes from DIKO (Democratic Party) and Greek Cypriot Socialists associated with ruling PASOK (Panhellenic Socialist Movement) in Greece (Hadjidemetriou 1999; Clerides 2007). The missiles gave Clerides a surprise victory in the 1998 presidential elections against George Iacovou; his subsequent decision to deploy the missiles not in Cyprus but in Crete marked the end of the Joint Defense Doctrine. Clerides later attributed both the purchase and cancellation to Greece and its changing “national priorities” (2007). As time went on, however, citing Greek national interests became an increasingly weak “political card” in legitimizing domestic politics in Cyprus, even within the national-minded Greek Cypriot center-right (Achniotis 1999: 11).

Meanwhile, in the post-1974 era, Turkish Cypriots initially saw the “motherland” troops as liberators. But these feelings waned the following decade, because of the resulting international isolation, Turkey’s interference in Turkish Cypriot community affairs, economic stagnation, and uncontrolled naturalization of Turkish settlers/migrants (Lacher and Kaymak 2005). Ultimately, the new conditions led many Turkish Cypriots to reconsider their unconditional loyalty to the policies of their national center (Sarioğlu 1997; Bizden 1997).

During the 1980s, Turkish Cypriot opposition parties started making short-term electoral breakthroughs, thereby challenging ethnonationalism and the Denktaş/Eroğlu hold on power (Hatay 2005). Despite the weakening commitment of even Turkish Cypriot right-wingers to his leadership, Denktaş remained officially in control for decades, primarily through his strong connections with the Turkish political system. In 1983, he expedited the unilateral declaration of the Turkish Republic of Northern Cyprus (TRNC) against the wishes of many even in Ankara. The decision to declare a new state came at an unfortunate time for its instigators, as there was little indication of international support (no country except Turkey has recognized the TRNC since then). For the most part, the declaration aimed to keep Denktaş in power, and in this aim it succeeded (Turkmen 2003). Until 2003, Denktaş managed to hold onto Turkish support by appealing to the interests and emotions of special interest groups in the “motherland,” including the Turkish military, ultranationalists, and influential elites across the political spectrum.

On July 4, 1990, the Republic of Cyprus applied for membership in the European Union; the application was accepted by the Council and forwarded to the European Commission for consideration (Ker-Lindsay 2012a). Despite Turkish and Turkish Cypriot opposition, three years later, the Commission confirmed the eligibility of Cyprus for membership, and in June 1994, the Corfu European Council expressed its determination to include Cyprus in its next phase of enlargement without making settlement of the Cyprus problem a precondition (2012a; Joseph 1997; Eralp and Beriket 2005). On December 13, 1997, at the Luxembourg European Council, the member states decided Cyprus could begin the formal process of negotiating the conditions of membership in the EU, while at the same time rejecting Turkey’s application for membership.

Turkey and Turkish Cypriot leader Denktaş continued to oppose the process. However, the latter’s lack of cooperation in the Cyprus issue made accession to the EU more likely, an eventuality criticized at the time by leading Turkish commentators (Birand 2001; Kohen 2001). Meanwhile, the post-earthquake diplomacy of August 1999 allowed media and civil society networks to play a crucial role in improving the image of Greece in Turkey (and vice versa), creating a warmer climate between the two nations (Rumelili 2007; Özkirimli and Sofos 2008). As Greek-Turkish relations improved, Greece lifted its veto of Turkey’s EU candidacy at the European Council Meeting in Helsinki in December 1999 (Ker-Lindsay 2007).

Then after the 2002 parliamentary elections in Turkey, the Justice and Development Party (AKP) of Recep Tayyip Erdoğan launched “fresh and constructive diplomatic initiatives” in the country’s foreign policy (Abramowitz and Barkey 2009). Closely related to these developments, Turkish-Cypriot civil society mobilized in 2002–2004 to support a federal settlement combined with EU membership; as a result of these mobilizations, the Turkish Republican Party (CTP) and its leader Mehmet Ali Talat gradually came to control almost all important posts in the Turkish Cypriot community by 2005 (Sözen 2005). In the meantime and in response to the public demand for cooperation, in April 2003, Denktaş lifted his restrictions on travel across the so-called Green Line separating the two communities for decades and allowed members of the two communities to cross to each other’s sector for the first time since the island’s division in 1974.

In early 2004, reunification talks resumed between Greek Cypriot and Turkish Cypriot leaders. Although the leaders again failed to reach agreement, they allowed UN secretary general Kofi Annan to prepare a plan for reunification. The drafters of the Annan Plan used their own experience from conflict resolution elsewhere, particularly from Switzerland, El Salvador, Bosnia, and Rwanda (De Soto and del Castillo 1994; Jones 2003; Cox and Garlick 2003). And as shown in the following chapters, the Plan produced a set of noteworthy innovations; Greek and Turkish Cypriot leaders were the first to allow the UN secretary general the final arbitration role in completing the peace settlement, introducing it directly to the public in parallel referendums without prior endorsement at the leadership level. Under the proposed Plan, Greek and Turkish Cypriots would have retained autonomy over most of their affairs under a decentralized federal system. Turkish Cypriots promised to return land to Greek Cypriot displaced persons in exchange for power-sharing, EU membership, and federal status within a reunited Cyprus (Michael 2009; Pericleous 2009; Sözen and Özersay 2007).

The Annan Plan was partly crafted around the principle of constructive ambiguity, a set of terminological acrobatics that avoided direct conflict with perceived interests and declarations of each side. Constructive ambiguity allows actors to perceive and frame the agreement as the first step toward achieving their own ultimate goals, rather than making a final or irreversible compromise. Mediators are often tempted to leave gaps in peace agreements to expedite the process, but these remaining ambiguities are likely to bring down an agreement at a later stage, as suggested by the example of Cypriot municipalities in the 1960s. On the one hand, if gaps had persisted on issues of daily

importance for both sides, for instance on provisions with regard to the settlers, displaced persons, and power-sharing, a settlement in Cyprus would have suffered, as demonstrated in the following chapters. On the other, Annan's principle of constructive ambiguity would have served the settlement well on more abstract matters such as the "continuity of the state" or "the principles of sovereignty." For one thing, these issues cannot be addressed easily unless there is an element of compromise in the language in the negotiated settlement. For another, if these issues become problematic in the future, their consequences will not have immediate implications on the ground, while their resolution will take place at international forums and courts where each side will inevitably have to moderate its positions to win international support.

Although the Annan Plan initially had the qualified support of the two main Greek Cypriot political parties (AKEL and DISY) representing two thirds of the electorate, it was rejected by a landslide 76 percent of Greek Cypriots, while 65 percent of Turkish Cypriots approved it during the twin April 2004 referendums. Surprisingly, DISY, whose ideological origins go back to the *enosis* movement, supported the Plan under the leadership of Nicos Anastasiades, while traditionally pro-settlement AKEL rejected it in a last minute volte-face (Trimikliniotis 2006). Reunification did not take place, but in the following month Cyprus formally joined the EU as agreed a year earlier, following a number of unsuccessful attempts to convince Turkey and the Turkish Cypriots to settle the issue before the signing of the formal Treaty of Enlargement on April 16, 2003 (Ker-Lindsay 2011). As a result, the benefits of EU membership applied mostly to the Greek Cypriot community. The northern part remained officially part of the EU, but the *acquis communautaire* (European body of law) did not apply to the areas outside the control of the Republic of Cyprus. The majority of Turkish Cypriots maintained citizenship in the Republic of Cyprus and were entitled to travel and work in Europe, but the northern part of the island could not initiate direct trade with or flights to third countries.

Following the 2004 referendum, Turkish Cypriots argued for further economic and political integration of the northern part of the island with the EU, but Greek Cypriots accommodated this demand only partly and even threatened to veto Turkey's accession. They ultimately refrained from doing so despite Turkey's refusal to extend full diplomatic recognition to the Republic. EU members decided to slow down accession talks in December 2006 after Turkey's reluctance to open its ports and extend trade privileges to the Republic of Cyprus.

Efforts to reunify Cyprus resumed after the election of Demetris

Christofias from AKEL as president of the Republic of Cyprus in February 2008. Despite some initial progress in the peace talks, Christofias failed to make the necessary ground-breaking decisions while Talat was in power. Delays caused a reversal in Turkish Cypriot electoral preferences, leading to the reelection of conservative Derviş Eroğlu in 2010. Progress in mediations has been slow during the Eroğlu period, and new problems have emerged as a result of disputes over natural gas explorations and the Eurozone debt crisis.

With respect to the question of hydrocarbons, in 2011 a consortium of American and Israeli companies began explorations for oil and natural gas in the southern part of the island within the exclusive economic zone (EEZ) of the republic. Interestingly, the traditionally pro-Palestinian Greek Cypriots have gradually developed stronger ties with Israel while Turkey, formerly Israel's closest ally in the neighborhood, has assumed a leadership role in advocating the Palestinian cause. The issue of natural gas became critical with the spread of the Eurozone crisis and the near bankruptcy of the thriving Greek Cypriot economy in 2013, just weeks after Anastasiades' election to the presidency. Despite a promising start, negotiations between the two communities were also interrupted in October 2014 following the incursion of the Turkish seismic vessel *Barbaros* into the Cypriot exclusive economic zone. The emerging financial and geopolitical challenges have added another source of apprehension in the volatile Eastern Mediterranean region. The Greek Cypriots faced a double transition, very evocative of the post-communist era when the transition to a new economic model became a necessity at a time of escalating ethnopolitical challenges.

The April 2015 election of Mustafa Akıncı with an outstanding 60.3 percent of the vote brought renewed hopes for the settlement of the Cyprus problem. The new Turkish Cypriot leader is widely known for serving as the mayor of the Turkish Cypriot sector of divided Nicosia. As mentioned elsewhere in the book, he and Lellos Demetriades resorted to an ad hoc set of arrangements in the 1980s to address the city's impending environmental disaster in the absence of a sewer system. A couple of years back few would have expected that a retired politician associated with a small leftist party would make a resounding comeback to politics. But as noted in the introduction, the Cypriot public has frequently questioned partition by electing prominent pro-unification figures. Leaders however have yet to turn this public mandate into a publically endorsed peace settlement. This is not uncommon in divided societies especially those in problematic geopolitical neighborhoods.

Cyprus has a contentious history, to say the least, and only its broad outlines can be included here. Marc Ross has demonstrated the importance of using the divergence of historical narratives in contemporary ethnopolitical conflicts (2007) as a starting point in discussions of conflict management. Inspired by his presentation of ethnonationalist narratives, Table 1 summarizes the main events in recent Cypriot history and shows how each community generally represents these in its narrative.

The Annan Plan and Its Critics

With the broader historical framework now constructed, each side's arguments for or against the most significant UN mediation attempt in Cyprus (the Annan Plan) can now be evaluated. The Annan Plan is undeniably a turning point in the history of negotiations in Cyprus and a broadly examined case study in the wider academic literature. While scholarly studies have concentrated on structural or institutional dimensions in explaining successes and failures of accommodation systems (Lijphart 1977; Horowitz 1993; Schneckener 2002), they have not considered oppositional framing between advocates and critics in the context of peacemaking. The second part of this chapter addresses the critiques against the Annan Plan as well as subsequent efforts for a peace settlement in the island, including the February 2014 joint statement focusing in particular on the public discourse surrounding the introduction of federalism and consociationalism in Cyprus.

In summary, there are three main anti-federalist arguments focusing on past legacies of coercive power-sharing, its capacity to deliver a fair settlement toward each community and, more important, its viability in Cyprus as a whole. Conventional wisdom assumes that countries with first-hand experience of the collapse of power-sharing agreements will be more reluctant to adopt renewed federal or consociational arrangements.³ The problem is not specific to Cyprus. As shown in the next chapter, societies who have experienced federal and consociational collapses or have witnessed failures in their immediate neighborhood tend to hesitate when debating their own power-sharing transitions. In any event, failures in its immediate region have (mis)informed political debates at home in Cyprus, and no "regional or international model" has been identified in the public discourse to inspire the island's reunification process.

Table 1: Selected Greek and Turkish Cypriot Narratives

<i>Event</i>	<i>Date</i>	<i>Greek Cypriot interpretation</i>	<i>Turkish Cypriot interpretation</i>
Ottoman conquest	1570–71	Ottomans cut ties to Europe and rule Greek Cypriots	Ottomans bring tolerance and stability to island
British rule (Berlin Congress)	1878	First step toward union with Greece	Cyprus remains nominally an Ottoman territory until 1925
<i>Enosis</i> (union) with Greece vs. <i>Taksim</i> (partition)	1955–59	Struggle for self-determination and union with Greece (<i>“Enosis and only Enosis”</i>)	Struggle to prevent enosis and Greek rule (<i>“Partition or Death”</i>)
Zürich-London Agreements	1959–60	Independence begins in 1960 but <i>enosis</i> remains a goal	Power-sharing agreement but <i>taksim</i> still a priority
Bi-communal clashes end of power-sharing	1963–64	Turks revolt against the legitimate state and form armed enclaves	Greeks break agreement and force Turkish Cypriots into enclaves
Kofinou Crisis	1967	Turkey threatens to invade Cyprus as in 1964	Greek National Guard attacks enclave of Kofinou
Greek junta coup	1974 (July 15)	NATO-backed junta coup targets Makarios and Greek Cypriot democrats	Greek coup aims to eliminate Turkish Cypriots
De facto partition of Cyprus	1974 (July 20)	Turkey invades and occupies about 40 percent of island	Turkish motherland saves Turkish Cypriots
Vienna Agreement	1975	Turks violate agreement to displace another 20,000, total of 165,000 since 1974	Agreement facilitates population exchange
High-Level Agreement for bicomunal federal Cyprus	1977	Cyprus will be reunited, independent, and nonaligned	Freedom of settlement will be restricted for practical reasons

Table 1: (*continued*)

Ten-point Agreement	1979	Human rights, demilitarization, and return of Varosha	Bi-communal federalism equates to extensive self-government
Unilateral Declaration of TRNC	1983	Unacceptable provocation by Turkey and Denktaş	Self-determination for Turkish Cypriot people
Pérez de Cuéllar UN mediation	1984–86	Main GC parties support the Plan which is rejected by President Kyprianou and Greece	Denktaş accepts versions of the proposal although with reservations
Aegean oil crisis	1987	Turkey objects to sovereign Greek rights on oil exploration	Aegean Sea cannot be a Greek lake.
Ghali Set of Ideas	1992	Mostly positive but requires further mediation	Few positives but mostly favors other side
Imia/Kardak crisis	1996	Turkey extends territorial ambitions to Aegean	Greece threatens sovereign Turkish rights
S-300 missile crisis	1997	Self-defense a sovereign right of the Republic of Cyprus	Militarization poses existential threats
EU accession talks start	1998	Cyprus cannot be excluded from EU due to Denktaş' intransigence	EU accession violates community veto rights
Annan Plan referendum and EU accession	2004	Plan has been unworkable and unfair, thus voted down by the people	Turkish Cypriots remain in isolation despite their endorsement of Plan
UN (Downer) mediation	2008	Future settlement should be different from Annan Plan	Annan Plan forms part of t basis for mediation
Natural gas explorations by U.S.-Israeli consortium	2012	Sovereign right of the Republic of Cyprus	A bicomunal issue to be decided by the two sides
Anastasiades-Eroğlu joint statement	2014	Significant first step in the process of Cypriot reunification	Significant first step in the process of Cypriot reunification

As stated earlier, during the Annan Plan referendum, critics drew parallels between its proposals for the reunification of Cyprus and the Zürich-London Agreements that led to the establishment and subsequent collapse of the Republic of Cyprus (Coufoudakis 2004; American Hellenic Institute 2004). For instance, in an influential *London Review of Books* essay criticizing the Annan Plan, renowned historian Perry Anderson mentions the 1959 Agreements which give birth to the first Cypriot constitution: “The constitution of Zurich had proved unworkable enough, leading only to communal strife and breakdown. The constitution of Bürgenstock [the Annan Plan], far more complicated and still more inequitable, was a recipe for yet greater rancor and paralysis” (2008). Even when such parallels are not explicitly made, it is inevitable that past memories and legacies directly and indirectly influence decisions for the future.

While common, this analogy is of dubious value. Actors who look at their immediate neighborhood or earlier historical experience often misapply “the correct lessons of that case to a new situation which differs from it in important respects” (George 1992: 464). It is questionable whether the Zürich-London Agreements per se offer a substantial comparison with current or recent proposals for a bizonal bicommunal federation in Cyprus. The type of the proposed institutional arrangements, the nature of Cypriot society and politics then and today, not to mention the international environment influencing Cyprus, are simply not comparable. To compare them is to set up a *false analogy* (George 1980; Jervis 1968, 1976).

As scholars of federalism argue, the study of failed federations does not offer concrete lessons to guarantee future successes in federation building (Burgess 2012: 227). In fact, other prominent scholars in the field, such as T. M. Franck (1968: 171–96), stress the limitations of their own extensive studies investigating why federations succeed or fail; they emphasize what academics and policy-makers “could *not* learn” (emphasis in original) and point to the dangers of “false analogies” (see also Burgess 2012: 227). As shown below, reasoning by analogy can be beneficial if old and new situations are truly comparable, but analogies can be misleading, if the situations are only superficially similar.

A major difference between contemporary Cypriot politics and the politics of earlier decades is how communities have evolved socially and politically. Today’s Cyprus is far removed from the 1960s era of political assassinations and disappearances, not to mention the indiscriminate and

unpunished killings of ordinary civilians simply because they were “Greeks” or “Turks” (Loizos 1988). In the eyes of most Greek Cypriots, the birth of the Cypriot Republic was preceded by a period of intercommunal violence, the imprisonment of suspected EOKA sympathizers in camps manned by Turkish Cypriot auxiliary forces to the British colonizers, and forced dislocations of populations among both communities living in mixed areas (Mallinson 2005; Patrick 1976). By way of contrast, they now have had decades of almost zero violence and even amicable encounters between Greek and Turkish Cypriots, accelerated by the opening of the checkpoints in 2003. Admittedly, grievances persist and will continue even after the settlement; however, these will be more easily addressed today than half a century ago, as both communities enjoy stable political systems, have become more accountable to European and international legal norms, and have developed more effective and professional policing mechanisms.

In addition, comparisons of UN proposals such as the Annan Plan with the Zürich-London Agreements are often made without distinguishing between the two forms of power-sharing: consociationalism and federalism (Lijphart 1979). As stated in the Introduction, consociationalism refers to decision-making within the central government; among other characteristics, it requires that power be divided between majorities and minorities, thereby implying mutual veto rights (Lijphart 1977; McGarry and O’Leary 1993). Federalism implies a territorial dimension and refers to situations where authority is divided between central and provincial governments, with both enjoying constitutionally separate competencies (O’Leary 2001b: 49–52). As stated in the introduction, the first Cypriot constitution stipulated a consociational settlement, as in Lebanon, while any settlement proposed in Cyprus since 1974 has contained both consociational and federal features, as in Belgium and Switzerland.

Economic development is another important factor, as federations are unlikely to fail in developed countries (O’Leary 2001a: 284). Snyder argues that ethnic federalism has a “terrible track record” (2001: 37), a statement criticized by McGarry and O’Leary as greatly exaggerated given relevant examples from both the developed and developing world (2009b: 5). In fact, no federation has fallen apart in an economically developed democratic society since World War II. Inevitably, the economy can play a moderating role, as it brings together several overlapping interests and creates a strong incentive for all parties to maintain peace. In Cyprus, intercommunal fighting in the

1960s would have been much more costly for the two communities if it had meant the destruction of the tourism and real estate industries. In a similar case, with the 1995 Quebec referendum (a result of the failure of the Charlottetown Accord in a popular referendum three years earlier), the economy and economic interests played a key role in maintaining Quebec's future in Canada (Johnston et al. 1996; Young 1995). Finally, in Cyprus, critics of a federal settlement emphasizing financial constraints, such as former Central Bank director Christodoulos Christodoulou (2009), have failed to anticipate followed for the economy, banking in particular, once Cyprus was deprived of critical allies in the European Union.⁴

By extension, an intelligently designed future peace process will link economic considerations with the peace settlement. The Greek Cypriot side has enjoyed impressive economic progress since 1974, while Turkey's GDP tripled in AKP's decade in power, with the country counted among the 20 largest economies of the planet.⁵ Even with acute financial cuts as a result of the Eurozone crisis, Cypriots (particularly in the areas controlled by the Republic) enjoy one of the highest standards of living among societies in conflict zones. Since the 1970s, both sides have shown good levels of economic development; arguably, Greek Cypriot wealth could have provided the resources and confidence to win Turkish Cypriot support for the settlement even among conservative voters. Both sides have developed the human and material infrastructure to capitalize on the benefits of a federal reunification, and for decades supporters of reunification have advocated shared prosperity in a joint federation. Yet the island's economic performance has yet to become a catalyst for a peace settlement, partly due to arguments by opponents concerning the viability of the settlement and partly because the type of institutional arrangements proposed did not eliminate worst-case scenarios feared by undecided voters on both sides of the divide.

Decentralized Federation

For the most part, a decentralized federation will address many of these fears, not only in the economic sphere but also in daily politics. Contrary to the critics' logic, a consociational agreement combined with two federal units in Cyprus could be more stable and functional than post-independence Cyprus. Under past and current mediation proposals, each community could

run its own domestic affairs, ranging from road infrastructure to health and social welfare. With less demand for common decision-making in most areas of daily public life, there would be less opportunity for acrimony. Constituent states would maintain a degree of flexibility in their engagement with the central government; they could decide to share the costs and benefits of new infrastructure (e.g. a specialized hospital unit or sewerage system in a major urban center) or they could resort to separate albeit more costly infrastructure programs.

Following this line of thought, future proposals for a settlement should build even further on the merits and prospects of a decentralized political system. This would address many of the fears of those who remain hesitant to endorse a peace settlement in Cyprus. Decentralization could be an effective point of convergence in mediations; it has been historically advocated by Turkish Cypriot leaders and more recently endorsed by DISY, the largest political force in the Greek Cypriot community (Necatigil 1989; Yesilada and Sozen 2002; Clerides 2011). A decentralized federation follows the subsidiary principle whereby authority devolves to the most appropriate level to facilitate improved financial, social and other administrative services.

Widely accepted in EU structures, this principle allows local communities an effective say in their daily issues (Golub 1996; Elazar 2001). The more decentralized a federation is, the more space it allows for each community to run its own domestic affairs. As shown below, decentralization at the provincial and municipal levels leads to less demand for common decision-making in most areas of daily public life; hence there is less chance of a bicommunal deadlock.

The principle of subsidiarity implies that decisions on decentralization are shaped according to financial, sociopolitical, and technocratic criteria specific to the context, economic features, and comparative advantages of each constituent unit rather than ideology (Jordan 2000). Even though the Cypriot leaders interpret decentralization in rather different ways, by engaging with technical lessons and experiences from other societies they might be able to identify the common ground. Past failures of federal systems (in developing or former communist countries) could be attributed to the fact that essential market criteria in decentralizing were undermined by nationalist ideology or, in the case of the former communist countries, the Leninist doctrine on federalism that favored ethnopolitical decentralization over economic integration among federations (Connor 1984). In the former

communist federations such as the USSR and Yugoslavia, each constituent state was forced, for the most part, into self-sufficiency in terms of outputs and infrastructure, with minimal economic interdependence among the republics; for instance, investment by the richer Slovenia in the poorer Kosovo was discouraged since exploiting cheaper labor markets was seen as violating the communist doctrine (Stefanovic 2008b).

By way of contrast, the subsidiarity principle in decentralized federations relies less on ideology and more on evidence-based performance. It provides constituent states with alternative options and incentives; they can decide to share the costs and benefits of a new infrastructure project or work independently with the risk of duplicating efforts and costs. The subsidiarity principle allows flexibility across sectors, issues and periods of relative turbulence in financial markets.

As stated above, critics often confuse decentralization with confederation (see Altinay and Bowen 2006). According to O'Leary, in a federation "the federal and regional governments are co-sovereign whereas in a confederation the member states retain sovereignty" (2005: 51). A confederal arrangement has no direct implications on sharing power; instead, its primary emphasis is the rights of constituent units to form a treaty of union and, if that fails, to legally secede and be recognized as an independent UN member state.

According to Watts, it is even possible to have a centralized confederation with more powers assigned to it than a decentralized federation. In some respects, the EU (a confederation) is more centralized in its central bureaucratic regulations than the Canadian federation (Watts 1998a). Unlike confederations, a decentralized federation implies no sovereign rights. By prohibiting partition or secession or any other unilateral change to the state of affairs as well as by reasserting the single sovereignty of united Cyprus, the February 2014 joint statement between Anastasiades and Eroğlu confirms without any doubt that a reunited Cyprus will be a federation and not a confederation. A highly decentralized (and asymmetrical) federation such as Spain does not permit secession, while past communist federations have been highly centralized in some respects (e.g., through control by the central party) but ambiguously confederal in constitutional terms, thereby rendering themselves vulnerable to secessionist demands. A confederal or fairly ambiguous constitution might *ceteris paribus* enable third countries to recognize seceding republics, as in the case of the former Yugoslavia following the decision of the Badinter committee (Pellet 1992; McGarry 2011).

Yet the recognitions of the successor states of the former Yugoslavia should be treated as exceptions in guiding policy-makers in Cyprus, as those have deviated extensively from default policies and international norms on delaying or (non)recognizing new state entities (Moore 1998; Ker-Lindsay 2011b).

At the same time, the new federal Cyprus and other aspiring federations aiming to transcend *de facto* partitions should be particularly sensitive to lessons from elsewhere. Following decades of separation, central governments should not aim for extensive powers, as critics argue, to force public support for a federal project. A centralized and “dominant ethnicity” government will encourage, not prevent secession, as suggested by the examples of interwar Spain, Nigeria in the decade following its independence, post-1971 Pakistan, Milošević’s Yugoslavia, or Ukraine in 2014, to name only a few examples.

Rather than creating a dysfunctional centralized administration, aspiring federations could rely on constitutional provisions and external security guarantees to prevent secession or the breakdown of intercommunal relations. But as the experience of the Zürich-London Agreements suggests, such guarantees could be ineffective, even detrimental, if the two sides fail to incentivize each other’s cooperation in a settlement. Thus, it is more important in a future Cypriot settlement to have limited but secure and effective areas of authority, endowed with the necessary financial resources and competent public sector officials to meet long-term challenges. In other words, public expectations and competences should not exceed the resources available to the federal government. Likewise, central governments should not entertain unrealistic expectations in eliminating, for instance, per capita income inequalities, as such inequalities have not vanished in mature federations with centuries of experience in managing ethnofederal tensions.

The principle of subsidiarity and decentralization does not merely apply to federal units; it applies equally well to other levels of regional government. Unlike “loose federations,” a decentralized federation does not eliminate effective governance in areas of security, citizenship and foreign policy. Indeed, as the Swiss experience illustrates, to implement municipal decentralization, central governments often must have the designated authority to do so (Steiner 2003; Mueller 2012).

Some scholars argue that the “medicine” of decentralization could end up being “poison,” if decentralization becomes so excessive that any interaction

among constituent states is restricted (Hechter 2000: 151–52; see also critique in Stefanovic 2008b). Yet this argument has its limits, as it assumes central governments are the only agents responsible for maintaining a unified federation; in fact, in Cyprus, citizen initiatives, nongovernmental organizations, multiethnic political parties, local governments, cross-community universities, and joint economic ventures might be equally important and possibly more effective venues in maintaining the federal identity of the reunified island. And as the chapter demonstrates in postcolonial Cyprus, it was the failure to accept decentralization even for municipalities that triggered the collapse of power-sharing in 1963–1964 and partly lay behind the failure to restart it between 1968 and 1974.

With regard to future lessons for a reunited Cyprus, the literature and international experience are limited in their recommendations on decentralization. As Lijphart admits, “Experts have no clear advice to offer on how much decentralization is desirable within the federation, and there is no consensus among them as to whether the American, Canadian, Indian, Australian, German, Swiss, or Austrian model is most worthy of being emulated” (2008: 84). Thresholds cannot be determined from international experience, since federations decentralize in different forms (e.g., budgetary, territorial, administrative) that are difficult to quantify. Likewise, Bermeo argues, “Expecting uniform results from federalist institutions is particularly unwise because federalism involves a constellation of institutions that can take majoritarian or consensual forms” (Bermeo 2004: 479–80).

Decentralization in a reunited Cyprus (unlike loose federation) does not eliminate the unifying elements essential to maintain the legitimacy and stability of a federal state. Rather, a decentralized federation emphasizes, enhances, and localizes unifying elements across various levels of government, from the central administration to the municipal level. This is often described in the literature as “cascading federalism,” whereby power-sharing principles that apply to the central government translate to similar consociational structures at the level of the constituent states, as well as municipalities (Bieber 2006). As federal systems provide more layers of government, there are also more settings for peaceful bargaining (Bermeo 2004: 475).

In Cyprus, cascading federalism would be able to balance the concerns of each side. The Greek Cypriot community might object to power-sharing with Turkish Cypriots if Greek Cypriot returnees were denied basic minority rights under the Turkish Cypriot administration, but cascading federalism could

resolve the issue. Cascading forms of power-sharing appear in many federations and consociations. Experience with the Forum of Cities in Transition has highlighted to the author the importance of such local power-sharing engagements. During the Forum's international meetings, municipal councilors from Northern Ireland's SDLP (Social Democratic and Labour Party) have demonstrated how municipal power-sharing in their city preceded the 1998 Good Friday agreement. The rationale for this early power-sharing experiment stemmed, according to SDLP municipality representatives, from John Hume's invaluable contribution to the province's peace process. For Hume power-sharing had to be equally exercised at different levels. If Irish Nationalists demanded power-sharing across Northern Ireland, they could only justify their position by offering similar arrangements to Ulster Unionists in cities such as Derry/Londonderry where Unionists were a minority.⁶ Likewise, in the future, Turkish Cypriots might offer Greek Cypriot returnees to Girne/Kyrenia municipality guaranteed representation in the city's municipality and, as in Derry/Londonderry, the position of vice-mayor.

Such arrangements can apply in other divided societies to address popular misperceptions of power-sharing (identified in the next chapter for post-Ottoman successor states). In fact, during my fieldwork in Diyarbakir in April 2012, I made a similar proposal to Kurdish BDP (Peace and Democracy Party) suggesting shared municipal governments in places where the BDP won the majority vote as a means of gradually raising awareness of the merits of power-sharing for the whole of Turkey.

A cascading decentralized federation could address these challenges at the level of constituent states and municipalities. The experience of post-conflict societies, particularly in the Balkans, has shown municipalities to be effective local institutions in managing ethnic conflict (Koneska 2012). People are more likely to resolve disputes at the local level, not necessarily because they trust each other more but because the benefits of collaboration are immediate, tangible, and obvious. Decentralization at the municipal level in a reunited Cyprus would have multiple applications in, for instance, a reunited Nicosia, a properly reconstructed Famagusta, and the new twin towns of Morphou and (Yeni) Güzelyurt (to be relocated farther north). The fact that more than half the population of Cyprus will reside in these cities is a unique feature and distinct advantage of Cypriot federalism; however, none of the previous UN proposals have built on this feature to incentivize the settlement or, at a minimum, to provide the institutional formulas to

avoid problems of municipal government similar to those encountered in the 1960s.

Municipal interdependency could be a major stimulus to building federal unity in Cyprus. Moreover, following the general principles of decentralized federalism, as in previous plans, there could be villages with special rights and administrative status in Karpasia, Kokkina, and the Maronite villages; some municipalities in the Turkish Cypriot sector might have substantial Greek Cypriot communities that would also be major beneficiaries of decentralization.

A decentralized federation is more likely to enable return among displaced Greek Cypriots (see also Chapter 4). For one thing, the Greek Cypriot side will be in a better position to negotiate improved human rights for the displaced if it satisfies the longstanding Turkish Cypriot position for decentralization. Contrary to the logic of the critics, there could be a win-win linkage between decentralization, human rights and economic transfers. For another, an international body of norms (for example, the Lund recommendations that Turkey was instrumental in shaping) emphasizes the need for minority rights protection through municipal arrangements (OSCE 1999; Packer 2000). Such legal instruments suggest the need for bilingual policies within a municipality, if a certain percentage of its inhabitants belong to a different linguistic group or have an indigenous claim. This arguably becomes an undeniable right if these inhabitants are natives to the land or formerly displaced persons.

Finally, diverting authorities and resources toward municipalities would enable these locales to draw on EU funds for joint infrastructure projects. Indeed, some Cypriot municipalities have already benefited from joint opportunities, and a level of local competence is already established. There is little need for the federal government to micro-manage either the Nicosia or Famagusta municipalities, if each can do well on its own, securing external funds for projects that favor peace, reconstruction and reconciliation. Instead, the central federal government could have a limited but important role in further incentivizing such projects elsewhere by providing the necessary matching funds.

Conclusion

Overall, the chapter demonstrates how the failure of Cypriot consociationalism in the 1960s was overdetermined by a number of factors, such as the forced nature of the “consociational partnership” and highly problematic security provisions. There were many ambiguities in the Zürich-London Agreements affecting daily issues and no credible arbitration mechanism to transcend the mutual vetos of the Greek Cypriot president and Turkish Cypriot vice-president. The Agreements suffered from significant gaps, not only in constitutional but also in critical security provisions by failing to secure the presence of international peacekeepers to deter any perceived, attempted or recognized violation.

Sadly, their perhaps inevitable breakdown adversely affected the future prospects of a bicommunal Cyprus. Countries with prior experience of forced power-sharing or its violent collapse are more hesitant in adopting renewed federal or consociational arrangements. Inevitably, Cypriots drew on past failures and possessed no regional successful example to inspire federal reunification, a critical gap that is highly relevant to other divided societies in the region, as I demonstrate in the next chapter.

Any future settlement in Cyprus could benefit from institutional innovations, looking at the design of federal and consociational arrangements around the world and adapting them to Cyprus. Simply stated, federal institutions should identify and emphasize the unique features, needs, and advantages of each case. Contrary to Horowitz’s (1999) claim that power-sharing democracy is a crude “one size fits all” model (see also criticisms in Lijphart 2004), there is enormous variation in the design and application of federal and consociational models on which Cyprus could draw. This applies at both the macro and micro levels of governance and, as the chapter demonstrates, a decentralized federation has better prospects, judging from recent Cypriot history. More importantly, as the following chapters show, the reunification of Cyprus should not be the exclusive responsibility of the federal state; rather, constituent states, municipalities, businesses and civil society should play a part.

Inevitably, the transformation of the Cyprus problem through a decentralized federation would provide an invaluable model not only for other divided societies but also for the much-needed transformation of conflicts in the region surrounding the island. As the next chapter argues, commonalities

in the experience of Cyprus and the successor states of the post-Ottoman Empire occur at different levels and offer the potential for comparisons and extensive lesson drawing. With civil wars escalating in the region, a reunited Cyprus could provide a viable and valuable federal model for others in the Balkans and the Middle East.

Chapter 2

The Region's Federal Movements: Why Did (post-)Ottoman States Fail in Sharing Power?

Each one in its faith to live as free
To the glory of the war jointly to rush
Bulgarians and Arvanites, Armenians and Greeks
Blacks and Whites in a joint stream.

—Rigas Velestinlis (1757–1798)

The Country of the Arabs is my fatherland,
From Damascus to Baghdad,
From Nejd to Yemen,
To Egypt and Tetuan.

—Fakhri al-Barudi (1886–1966)

Federalist ideas are not unknown to the modern descendants of the Ottoman Empire and its successor states: almost every movement or national community in the region has its own version of an *imagined federalism*. Velentsilis's early federalist and revolutionary writings cited above are found throughout Greek and Greek Cypriot national historiography, as are federalist equivalents in Southern Slav, Arab, and Turkish post-Ottoman narratives. Historically, the communities in the post-Ottoman space have entertained "federal ideas" as a means of addressing ethnic diversity or mitigating conflicting national aspirations (Stavrianos 1959; Banac 1984; Dawisha 2003). Advocates have promoted federalism or related institutional arrangements as an alternative to war, arbitrary partition, violent assimilation, ethnic cleansing, or

genocide. Despite their apparent popularity, for the most part federalist engagements have not been successful; post-Ottoman societies could not escape wars and violent conflict that left bitter memories across divided communities and new national borders.

Surprisingly, neither the intensity of these conflicts nor the resulting anti-nationalist narratives have reshaped national ideologies to embrace federalism. In this chapter, I aim to situate Cyprus in its broader (post-Ottoman) neighborhood comprising parts of the Balkan and the broader Middle Eastern regions. The chapter aims to identify regional patterns in power-sharing thereby making a contribution to the growing debate on the origins and implementation of federal and consociational settlements (Watts 2002; McGarry and O’Leary 2005; Rector 2009; Burgess 2012). Much of the analysis of the Cypriot conflict has either focused on the island itself or the late twentieth-century politics of the “motherlands” with little attention to the broader neighborhood surrounding Cyprus.

Looking at federal and consociational engagements in the post-Ottoman lands and successor states, the chapter questions their “relative failure” despite conditions that would predict otherwise. In fact, the region has produced few “successful” cases, while it contains a number of notable failures despite the political and normative merits of power-sharing arrangements (Haklai 2011). Drawing on comparative historical analysis, the chapter addresses these conundrums and offers explanations as to why post-Ottoman societies, including Cyprus, have yet to benefit from power-sharing arrangements. While recognizing a set of alternative explanations relating to post-Ottoman social or institutional structures, pressure from western superpowers, perverse colonial effects and the dominance of nondemocratic regimes, I argue that ideational barriers have an equally important weight in explaining federal deadlocks and consociational failures. Specifically, analogies with a nation’s past or its immediate region have (mis)informed political debates particularly in the absence of a successful regional model that could be otherwise identified to inspire power-sharing solutions.

The Ottoman Empire: The Legacy

Scholars argue that the Ottoman Empire’s institutions preserved ethnic and religious cultural diversity for centuries (Inalcik 1973; Shaw 1977; Karpav 1985) and thus should have provided the antecedents for federal and

consociational administrations either in the late Ottoman state or its successor states (Kedourie 1956, 1960, 1968, 1970; Peristianis and Vural 2010). Lijphart emphasizes the importance of past institutional legacies in the success of subsequent power-sharing arrangements. Specifically, his “tradition of elite accommodation” argument identifies such legacies as a favorable condition for consociationalism (1977: 99–104). However, Lijphart does not elaborate on alternative (mis)uses of historical traditions and how memories or competing nationalist interpretations of the past might matter.¹ A “tradition of elite accommodation” might have been present but misinterpreted by dominant nationalist ideologies. I therefore proffer an amended interpretation: a selective negation of past power-sharing legacies might obstruct future power-sharing settlements.

The Ottoman legacy of accommodation offers a critical case study to address debates on power-sharing and its ideational origins. Kedourie describes the Empire as “impervious to ideology and doctrinaire adventure” and praises its imperial tolerance under which Muslims, Christians and Jews lived in harmony for ages: although far from perfect, he argues the Ottoman Empire could have transformed to address its ethnic and religious diversity (Kedourie 1960, 1968, 1970).² Yet Kedourie and other scholars have framed the puzzle too narrowly: the Ottomans were not the only ones to fail; their successor states and sub-units had also little success with federal and consociational arrangements. By contrasting and comparing federal and consociational engagements in the region across different historical periods and levels of analysis among successor states or sub-units of the Ottoman Empire, we can discern some broadly generalizable patterns, leading us closer to the root causes of the failures of power-sharing, as well as its prospects in the region. As Walt argues, theoretical clarity is essential before prescribing responses and evaluating the impact of different policies (2005: 23). With such clarity, we can begin to examine how specific institutional designs might better fit the region's legacies and institutional heritage.

Imagining Federalism

In the last decades of the Ottoman empire and its immediate aftermath, a multiplicity of popular federal movements emerged in the region, along with nationalist ideologies, as for example, among the Balkan nations (Stavrianos 1959), Southern Slavs (Banac 1983, 1984), Macedonians (Rossos 2008), Greeks

and Turks (Anagnostopoulou 1997; Veremis 1989), Israelis and Palestinians (Yiftachel 2006) and pan-Arab nationalists (Ajami 1978; Dawisha 2003). Unsurprisingly, the cases of the Southern Slavs and pan-Arabism have received broader scholarly and public attention. In the latter case, corresponding federal engagements have failed to endure even among the *imagined* pan-Arab community arguably sharing a common ethnicity, language and national ideology—and despite the enormous political, military, and economic advantages of such (federal) unity. Quoting experts discussing the prospects of Pan-Arabism in the region, Lustick says emphatically:

A Pan-Arab state . . . would include a total area of 13.7 million square kilometers, second only to the Soviet Union and considerably larger than Europe, Canada, China, or the United States. . . . By 2000 it would have more people than either of the two superpowers. This state would contain almost two-thirds of the world's proven oil reserves. It would also have enough capital to finance its own economic and social development. Access to a huge market could stimulate rapid industrial growth. The aggregate military strength and political influence of this strategically located state would be formidable. . . . It is easy to comprehend why this dream has long intoxicated Arab nationalists. (Lustick 1997: 653)

The United Arab Republic was a popular but short-lived attempt to move in this direction. Other potentially federalizable units of the empire have also failed, as for instance, the long-aspired federation among the Balkan people, or more specifically, among the South Slavs, including as the Habsburg and Ottoman Štokavian speakers; the latter dialect effectively “united” the Serbo-Croat-Bosniak linguistic world and set the stage for the political union of the Southern Slavs. Nonetheless, the former Yugoslavia did not succeed in maintaining its “federal unity” despite the shared language and rich intellectual traditions of Yugoslavism. While western media initially pointed to its ethnic diversity as a cause of its violent breakdown, federalism was equally short-lived among the “ethnically related” Serbs and Montenegrins (Ramet 2006). Likewise, the attempt to federalize Libya in three main provinces lasted only about a decade (1951–1963). Following Muammar Gaddafi’s takeover in 1969, federal options between Libya and its neighbors were negotiated, first with Egypt and Syria, and then with Tunisia, but both ended up in acrimony (Dawisha 2003). Iraq and Sudan are the latest manifestations of failed

power-sharing arrangements in the post-Ottoman space. In the latter's case, O'Leary (2012: 515) attributes this failure to the North Sudanese choice of "downsizing" (opting for a smaller and more homogeneous Sudan than the compromises by a pluralist federation). The argument is not irrelevant for elsewhere including Cyprus as "downsizing" (recognizing partition) has become an option for a segment of the Greek and Turkish Cypriot public opinion as shown in relevant polls (Cyprus2015 2012).

Meanwhile, early consociational attempts in the region's smaller multi-ethnic states, such as Cyprus (Kyriakides 1968; Markides 1977) and Lebanon (Zahar 2005; Dekmejian 1978), also led to violent breakdowns. Both cases commonly feature as major examples of unsuccessful consociationalism in the relevant literature (Schneckener 2000; Lijphart 1996). As discussed earlier, Cyprus is particularly puzzling, as reunification talks have failed to reach a comprehensive settlement despite a signed agreement on bicomunal federalism since 1977–1979, strong pro-federalist positions embraced by at least three main political parties in the island, and proactive involvement of international and regional organizations including the UN and EU (Richmond 2005; Anastasiou 2008; Ker-Lindsay 2011).

Nor has federalism emerged in larger or fairly homogeneous states with historic or geographical provinces, such as Greece, Bulgaria, Egypt, or Turkey. In the case of Greece, one could imagine a federal state centered on the country's unique geography and historical provinces comprising, for example, the Peloponnese, Thessaly, Macedonia, Iperus, Crete, the smaller islands, and Thrace. Federalism could have addressed chronic mismanagement problems at the central government level and regional grievances without "endangering security," as all provinces are almost exclusively Greek with the exception of Western Thrace, which includes a Turkish minority plus an economically dominant Greek majority (Hüseyinoğlu 2012). More important, power-sharing at the center could have safeguarded social cohesion between rival left- and right-wing political traditions, as happened in post-civil war Austria (Rose 2000) and to a lesser degree Spain (Encarnación 2008). Notably, a consensual compromise among Greek political traditions (deeply divided since the 1946–1949 civil war) could have helped the country face its current socioeconomic hardships. Yet in contrast to its Southern European neighbors, even limited or informal consensual features have been largely absent in Greece.

Interestingly, according to Lijphart et al.'s measures, while other southern European countries such as Spain and Portugal combined majoritari-

an-consensual institutional mechanisms, Greece has been “literally the most eccentric,” a close “approximation of the majoritarian model” (1988: 19–20). Power-sharing in Greece became very popular among voters following the post-2009 financial crisis as demonstrated in polls.³ Yet the Greek political parties have failed to form a broad coalition government until the country faced virtual collapse; and only when they did so the country’s economy begun to recover (Kovras and Loizides 2015). Thus, the “Greek tragedy” is characteristic of the region’s power-sharing failures *across different levels of analysis*.

For its part, Greece’s neighbor in the East, Turkey, could have evolved into a federation of eight administrative provinces as originally planned in the late phases of its military dictatorship in 1983 (Yucel 2007).⁴ In the case of Turkey (and Egypt), one could point to their population size or suggest the possibility of introducing “informal” federal or consociational arrangements, as in South Africa, Singapore, and Spain, to regulate conflict with the Kurds (or Copts in Egypt). Instead, the AK Party has governed Turkey with little formal or informal power-sharing with either the Kurds or rival Kemalist political parties. Likewise, in post-Mubarak Egypt, the choice of a (majoritarian) presidential system has deepened the conflict between the supporters of the Muslim Brotherhood and the military, reversing the achievements of the Arab Spring.

Similar arguments could apply to the Palestinians in Israel/Palestine preceding the first Intifada (Yiftachel 1992) or to Greek and Turkish Cypriots in the 1963–1974 period after the breakdown of formal consociational arrangements (Kyriakides 1968). As stated in the previous chapter, Greek Cypriots rejected an improved settlement during an extended six-year period of negotiations between 1968 and 1974, which combined limited regional autonomy to the Turkish Cypriots in exchange for a weakened veto in the central government; this decentralized power-sharing arrangement provided a win-win arrangement for both communities. According to Glafkos Clerides, who led these negotiations for the Greek Cypriots, President Makarios rejected the settlement not only because he opposed local autonomy but also because Denktas eventually hardened his position and demanded that aspirations for *enosis* be renounced (Clerides 1989–1992, 2007; Pericleous 2009: 102–9). It is a paradox how during this period both Makarios and Denktas did their best to derail a mutually beneficial peace agreement. By rejecting minimum concessions to the Turkish Cypriots, the Greek Cypriot leadership exposed the island to the subsequent invasion by Turkey in 1974, while Denktas kept the

Turkish Cypriot community in isolation and destitute by insisting on the symbolic renouncement of *enosis*. As implied by this incident, nationalist narratives and their intrusion into peace mediations could easily trap leaders into making decisions with long-term devastating consequences.

Framing Federalism in the Post-Ottoman World

Existing scholarly inquiries focusing either on federalism or consensus democracies have provided a wealth of insightful interpretations as to the emergence and durability of power-sharing arrangements (see Burgess 2012). Early scholarship on federalism has emphasized, among other factors, the desire for federal unity and the compatibility of political institutions among constituent states (Wheare 1963), the structure of party systems (Riker 1964), expectations for economic advantage (Watts 1998a), and shared ideological commitments toward federalism among political elites (Franck 1968). Meanwhile, the literature on consociationalism has focused on overarching loyalties to the state, traditions of elite accommodation and the presence of external threats common to all communities (Daalder 1974; Lijphart 1977; Kerr 2006).

While drawing on this scholarship, I have also employed a broader theoretical framework arguably more relevant to peace settlements and power-sharing breakthroughs or collapses. As stated in the introduction, Diamond's popular work on societal collapse, especially his five-point framework on how societies choose to fail or succeed is particularly useful here (2005). This framework is not only encompassing of existing scholarly debates in the field but also highly relevant to intractable conflicts where decisions on peace, power-sharing and state failure are closely interlinked. For the most part, five interrelated factors determine why societies choose federalism and consociationalism as part of a successful peace settlement or a related constitutional amendment. These include the state of relations among potentially rival ethnic or religious communities, key changes in the local and regional environment, hostile neighbors, support from friendly outside actors, and finally the society's own decisions and openness to institutional innovation. The final factor is especially important and as the post-Ottoman region demonstrates, a society's choice frequently determines the direction and intensity of causality in the first four.

Societies respond differently to similar problems; thus, framing peace is

important, not only in endorsing federal or consociational arrangements but also in the survival of conflict-ridden communities. Although initially a central concept in the study of social movements (Benford and Snow 2000), framing has recently emerged as an important analytical tool in conflict resolution and ethnic conflict analysis (Desrosiers 2011; Kaufman 2011; McDoom 2012). Building on the social movement literature and our broader definition in the Introduction, framing in ethnic relations could be defined here as the conscious strategic effort to shape shared understandings about an ethnic group, its recent memories, grievances and boundaries (identity or physical), particularly with regard to its perceived territorial entitlements. Whether cooperative or adversarial toward ethnic “others,” ethnopoltical frames are strategically important in a group’s narrative because they legitimize subsequent courses of action by combining past, present, and future.

Framing is often used interchangeably with other terms, such as discourse, ideology, hegemonic beliefs, or narratives; what distinguishes frames from such related terms is the degree of strategy involved, specifically in appropriating, challenging, or negotiating a shared meaning of a particular public choice (Loizides 2015). Frames involve normative assessments and strategic calculations aiming to link past experiences with contemporary policy dilemmas. They transform abstract grievances into specific courses of action by focusing attention and articulating meanings of contested events. In federal and consociational dilemmas, adversarial frames obstruct majorities from sharing power while guiding potentially secessionist minorities toward conflictual strategies. Ethnocentric framing frequently dominates discourse in divided societies and shapes common (mis)understandings on the fairness and viability of federal arrangements, leading to a society’s entrapment even when such compromises are desirable and necessary.

In their personal memoirs, pro-federalist political leaders in Cyprus and elsewhere point to this problem. For instance, former president Vasiliou argues: “Every time that an idea or a plan was suggested by the UN, [my opponents] portrayed this as a national disaster, even when, through in the various studies that we submitted to the National Council it was made clear that the UN plans did satisfy positions that we were promoting” (2010: 259).

Charles Ingrao, a leading historian of the Balkans who attempted to apply his expertise from the Scholars’ Initiative for the former Yugoslavia in Cyprus, encountered a similar problem. After examining the Yugoslav controversies and myths, Ingrao and his colleagues point that once divergent

narratives become embedded in public memory, it becomes virtually impossible for democratically elected politicians to question them without risking their political future (Ingrao 2012). Ingrao calls this the “Frankenstein Effect,” saying it ensures the complicity of succeeding generations of politicians who face electoral suicide by challenging the veracity of such artificial constructions.

Frames and institutional innovation go hand in hand. Proposals for novel institutional designs require supportive action narratives, while on their part peace frames are more likely to emerge in favorable institutional settings. Adversarial framing limits the scope of creative solutions even in less complex settings. Frames set conceptual boundaries which limit innovative thinking. Creative solutions often lie outside these boundaries, while failure to identify or to even consider alternative strategies retains rigid conceptual boundaries, especially in debating complex arrangements such as power-sharing.

Winning the hearts and minds of diverse populations for compromise often requires an alternative “peace frame,” defining the common ground for a compromise and defending the fairness and viability of federal and consociational arrangements. But in the case of the post-Ottoman lands and successor states, a selective reading of the past in the form of “false or questionable analogies” drawn from the region’s historical legacies has made the endorsement of power-sharing arrangements difficult and in some cases impossible. As a result, mainstream nationalisms, both right-wing and left-wing, have developed strong anti-federalist/consociational biases preventing adaptation even when power-sharing had emerged as the only alternative to secession, disintegration and violence.

The various frames cut across most subtypes of post-Ottoman nationalisms and can be summarized in three main concepts that pervade the region’s ethnonationalist discourses:

- (1) Power-sharing in federal or consociational arrangements is *unnecessary* because “our” people are united as a whole. Despite local but minor differences we have lived in harmony for ages.
- (2) Ethnic homogeneity is a necessary and sufficient condition for successful state-building. Multiethnic states are *prone to conflict and will fail* regardless of their institutional choices.
- (3) Power-sharing cannot resolve issues of multiethnicity. Federalism and consociationalism are by their own nature *destructive* and only further aggravate ethnic or religious conflict.

Critics could argue that these frames are dominant in the Ottoman Balkans and the Middle East because they rely on “objective realities” on the ground. On this point, a common approach to the growing scholarship on frames is to treat the latter as corresponding either fully or roughly to existing structural conditions and “realities.” Frames must stick close to the “facts” to avoid being debunked (Swindler 1986), and, as Hroch (1988: 99) argues, the basic condition for the success of any national or state-building movement is that its argument (or frame) at least roughly corresponds to the realities perceived by those at whom it is directed.

Hroch’s logic applies equally to power-sharing arrangements, yet framing of related movements and projects does not seem to be only the product of “objective conditions,” unless one assumes that the radical transformation of the ethnic landscape in the Ottoman Empire and its successor states was unavoidable or structurally overdetermined. On this point, several academic studies have also criticized ethnic federalism and consociationalism as mechanisms that perpetuate divisions, foster ethnic antagonisms, and encourage secessions (Horowitz 1991; Snyder 2000; Wimmer 2003; Aitken 2007). Admittedly, even scholars advocating power-sharing acknowledge the limits of consociational engagements and recognize that governance in multiethnic societies tends to pose more challenges than in fairly homogeneous societies (O’Leary 1989; McGarry and O’Leary 2004). Likewise, the classic reading of nationalism literature questions the degree to which tensions between nationalism and power-sharing are reconcilable (Anderson 1983; Gellner 1983; Hobsbawm 1990, 1992; O’Leary 1999a). Yet as I demonstrate in the following chapter, federal and consociational achievements across the world (including North America, Western Europe, and the developing world) suggest that societies frequently overcome structural impediments or self-fulfilling prophecies including past antifederalist frames.

As with politics in general, such framings are arguably driven by political interests—or even manipulations frequently contrary to institutional or structural conditions. Emphasizing the role of ideas, leading Middle East scholar Fouad Ajami has argued in his influential study on the end of pan-Arabism that political ideas make their own realities in defiance of logic not foreseen by those spinning the myth and play themselves out in the end (1978: 355). Thus, whether agents are conscious or unclear about their consequences, frames encapsulate otherwise contested realities, meanings and actions. They imply agency, deliberation or manipulation in the construction of new “realities” (Benford and Snow 2000). Even if there is something one

could call “the facts of history” around which framing takes place, these same “facts of history” can be interpreted in various ways. In other words, the “dots” of history in the post-Ottoman lands can be connected and reconnected to create diametrically opposed meanings; they can enable or restrict power-sharing arrangements (see also Loizides 2015).

The three frames noted above have been widely used across time and space in the region. On the one hand, they explain the relative absence of federal and consociational arrangements in the post-Ottoman lands and successor states. On the other, all three display internal contradictions and weaknesses in addressing counter evidence. While dominant in public discourse, these frames are flawed on both empirical and normative grounds. The evidence provided below for Cyprus and its immediate region suggests alternative ways through which the dominant adversarial frames could be identified and challenged in public discourse.

“We are all brothers [and sisters]”

The most prevalent frame of the three listed above emphasizes that power-sharing is unnecessary because people in the region have been living in peace and harmony for ages. This frame implicitly relies on the Ottoman legacy although it rarely makes explicit references to the Ottomans, with the partial exception of national ideologies associated with dominant groups in the empire (e.g., modern Turkish nationalism).

Integrationist and assimilationist programs downplaying ethnic differences have been common particularly among left-wing political movements. Leftist integrationists (and not only) subordinated minority questions to their own anti-class struggle. By emphasizing unity over minority rights, leftist movements have restricted even undermined federal and consociational prospects. For instance, one could point to the early writings of pan-Arab nationalism with regard to the Kurdish minority question. In a familiar even for now language, Michel Aflak, one of the intellectual fathers of the Arab struggle and incidentally a Christian, says of the Kurds:

We were one people in the past. If the Kurdish people have any grievances, they are in countries other than the Arab lands, as there was no segregation or discrimination between them and the Arabs. They were treated in the Arab homeland the way Arabs treat Arabs. There

is another fact, which is ignored only by those who lack a historical view, and this fact is that the Arab revolution is the revolution of this age. It is the measure of every revolution and every progressive movement in every country in the world. He who stands against it cannot be progressive or revolutionary. . . . How could a national movement of a small people be in opposition to the march of the Arab revolution? (Aflak 1974)

Certainly, such frames give precedence to Arab nationalism, first by stating that Kurds reside in the “Arab homeland,” and second by challenging the existence of the minority rights in an attempt to belittle the Kurds as a “small people.” Treating only individuals and not constituent groups as equals in a state-building project sets integrationism apart from federalism and consociationalism. In fact, the failure of the Arab unity project could be attributed to its emphasis on “unity” rather than “diversity,” which in principle could have been accommodated through federal and consociational devices. This is true with regard to Kurdish minorities and in the Shiite versus Sunni conceptions of Arab unity (and their respective fears).

Mediating power-sharing requires explicit (constitutional) commitments to potentially marginalized groups that “unity” will not preclude diversity. Credible constitutional arrangements should aim to safeguard minorities from the loss of autonomy or representation while majorities should be protected from dysfunctional constitutional provisions and secession. As Chapter 3 demonstrates, such critical uncertainties are not irresolvable. In fact, the major advantage of federal and consociational arrangements is that they frequently offer the most credible way to address security, financial or identity risks while combining shared goals with separate spheres of government for majorities and significant minorities. Likewise, power-sharing, either through guaranteed group representation at the central government or through territorial decentralization and federalism, could be also understood as a form of “compensation” for groups likely to resist a “hegemonic” or assimilationist state yet they have an interest in a unified power-sharing structure. In short, understanding past failures in balancing tensions between nationalism and power-sharing could be critical for future federal projects in the region.

Historical examples from interwar Yugoslavia and the United Arab Republic are illustrative. In both cases, attempted state-building has failed to balance the tensions between unity and diversity, leading to disintegration

and conflict. As Dawisha (2003: 219) notes, while factors like leadership were important to pan-Arab nationalists, the main tensions in the 1950s and 1960s were between *al-qawmiya* (Arab nationalism) and *al-wataniya* (nationalism based on state sovereignty). In the case of Iraq, Dawisha says this struggle became evident during the peak of Arab nationalism in 1958 following the July 14 coup and the emergence of rival parties. For the "Iraq First Group," issues of preserving diversity across ethnic and religious lines were critical: "Arab Unity was seen as a Sunni project designated to ensure the ultimate subjugation of the non-Sunni communal groups" (219). He adds that the Iraqi-first group "was not necessarily averse to some form of union, but theirs was a much looser conception than that held by the nationalists, at most a federal arrangement in which Iraq would retain considerable autonomy" (216). A similar problem in Syria eventually resulted in the failure of the Arab unity project.

So too, South Slav federal/state-building projects fell short of balancing regional/federal autonomy with national solidarity. Using the term "flawed unification," Banac (1984: 13) says Yugoslavia failed to meet the promise of its intellectual founding fathers. This was particularly true in interwar Yugoslavia, originally called the Kingdom of Serbs, Croats, and Slovenes. According to Ramet, its component peoples "came to the kingdom with rather different expectations and for different reasons" (2006: 37). Like the Kurds in Iraq today, Croats and Slovenes sought security, aligning with the new Kingdom to protect themselves from further territorial losses to Italy but also hoping for a federal constitution (37). Even so, Serbian elites assumed political, economic, and cultural hegemony within the new state, adopting strict centralism. And as in the case of pan-Arab unifiers, Ramet concludes that "the policy of monopolizing the top posts in the country for Serbs was at the minimum, politically insensitive likely to give provocation, and short-sighted."

Integrationist frames not only inform and account for historical cases. Aflak's response to the Kurdish question is commonly voiced by Arab centralists in today's Iraq; they question the efficacy and necessity of federal arrangements among people who have "lived as brothers and sisters for centuries." As discussed above, a theoretically puzzling aspect of framing is how it often departs from realities on the ground. The Scholars Initiative for the former Yugoslavia suggests that existing evidence can frequently be used to discredit myths and invalidate "inconvenient facts." Yet interpretations can also vary in the acknowledgment of responsibility for the past even in the

presence of undisputed evidence. For instance, Iraqi centralists downplay crimes against the Kurds by attributing these exclusively to the Saddam Hussein regime. For their part, Iranian and Turkish nationalists, mostly on the left, voice similar arguments when discussing their own Kurdish national minorities, attributing crimes to previous regimes. Yet since the mid-1990s the Turkish left has retained only limited support among the Kurdish minority. Even after the election of a moderate leader from the region, Kemal Kılıçdaroğlu, as its president, the main opposition party, CHP (Republican People's Party), won only a tiny fraction of its votes in the Kurdish regions of the country.

With regard to majority-minority relations, leftist movements often present their own repression by right-wing dictatorships as a proof of everyone else's suffering in their respective countries. Such frames proffered by majority "moderates" ignore that minorities generally suffer more at the hands of non-ethnics in the security forces because they are discriminated against on multiple levels. For the most part, in dictatorial regimes, leftists are targeted for their political beliefs, while ethnic minorities are repressed for their ethnicity, cultural practices, and use of their motherland tongue; in other words, minority members suffer for "who they are." For instance, in Turkey the Kurdish minority has been deprived of basic cultural rights, while up to 1.2 million have been forcibly displaced within the country (see Celik 2005; Somer 2005). In Iraq, Kurds have been subject to colonization by Arab settlers, particularly in the Kirkuk area; more important, in 1988 they were victims of a chemical attack and genocide in Haladja (O'Leary 2005).

It is interesting that the "peaceful past" frame appears even in societies that have experienced major incidents of intercommunal strife. For instance, in Lebanon a former chief negotiator of the Taif agreement, Hussein Husseini, rejected the idea of federalism: "In the social structure of Lebanon there is diversity within the unity but there is no pluralism. There are a large number of confessions and sects, but they are one people who share the same history, heritage, legacies and language. The common denominator essential for federalism [pluralism] does not exist" (Abi-Habib 2007). Likewise, a leftist thinker and leading political figure in Cyprus, Ploutis Servas, has presented the history of the island as peaceful coexistence between the two communities, with a "short parenthesis" of intercommunal strife, driven by interests of the colonial powers (Servas 1997). Although he was later marginalized within AKEL, his line of reasoning dominated his party's discourse for decades.

“They will fail”

The second dominant frame posits multiethnic states as prone to failure. This is particularly the case with (but not limited to) right-wing nationalisms, which frequently see not just federalism but any recognition of ethnic or religious diversity as a stepping-stone to partition. On this issue, one could draw a relevant comparison between Greek and Turkish nationalisms following the wars in the former Yugoslavia and Iraq respectively. At the time of Yugoslavia's collapse, Greek nationalists described “Skopje” (FYROM/Republic of Macedonia) “as a disorganized multiethnic mess, without state entity, economy, or bread”⁵ calling on the Greek government to impose its will and demonstrate its strength.

Despite the neighboring republic's progress, ten years after the Ohrid Framework Agreement, Greek politicians still appear confident that its multiethnic character is not sustainable. For instance, former Greek prime minister Antonis Samaras emphasized in 2008: “It is for *certain* that Skopje will not exist as a unitary entity in a while” (ERT 2008; emphasis added). For Samaras, the future unification of the Albanians across neighboring countries is unavoidable. On this point, it is interesting to note that by 2011 Greece's northern neighbor has enjoyed substantial economic growth following a decade of decentralization and power-sharing between ethnic Albanians and Macedonians. Ironically, centrally governed Greek Macedonia suffered the most from the post-2009 financial meltdown, with almost a quarter of its population unemployed during the peak of the debt crisis (*Guardian* 2011).

Greek politicians have often endorsed arguments in the Balkans in direct contradiction to their official positions on federalism in Cyprus. If a multiethnic country in the Balkans is unsustainable, so too is a reunified Cyprus—yet the latter has been advocated by successive Greek governments since the mid-1970s. But looking at the origins of the Cypriot federal idea in Greece one could also point out that it was first conceived and framed within the dominant logic of the Greek nation-state. In a 1976 meeting, Prime Minister Konstantinos Karamanlis emphasized to the Cypriot negotiating team that a federal settlement in the form of a bizonal federation was the favored option of all European governments. He went on to argue that by showing moderation, Greek Cypriots would expose Turkey as the intransigent side to international public opinion. But his conclusions departed from the moderate logic of power-sharing when he argued for bizonal federation as a temporary step toward nationalist objectives:

bizonality is not only unavoidable but beneficial as beneficial is the central government with loose central authorities if the territory that the Turks keep is under 25 per cent. In this way we will isolate the Turks in the north and we will organize the Greek Cypriot sector in a way that has the overwhelming superiority and safety with regard to the Turkish one. This will leave the road for possible union of the Greek sector with Greece if the Turks agree on a double union. This option would have to be excluded with the settlement in cantons which might lead to more clashes between the communities and the danger of Turkey intervening again.⁶

Fears of multiethnicity are not uncommon in mainstream post-Ottoman narratives. Right-wing nationalisms have a particularly strong attachment to power, authority, and territory, frequently treating sovereignty in a non-negotiable manner while attributing conflicts with their minorities to external interference. In the narratives of most Middle East and Balkan nationalisms, territories “won or kept with blood” are not in any sense renegotiable through federal or consociational arrangements. Unsurprisingly, then, remembrance of fallen soldiers has been a central theme in the region’s official discourses as demonstrated for instance in Turkey with regard to the PKK casualties in the 1990s (Navaro-Yashin 2002: 118). Debates in parliament at the time demonstrate this; for instance, conservative president Süleyman Demirel in his 1995 speech to the assembly remembered with compassion all Turkey’s “martyrs and our teachers who have become victims of terrorism while trying to educate our children through great self-sacrifice.”⁷ He went on to assure his audience that Turkey’s unitary state status and unity and solidarity would be preserved. Asked to qualify the unitary state, he reiterated: “it consists of Turkey’s unity and solidarity. In order to protect it, here is the image we must give: there is one nation, one country, one state, one language, and one flag.”⁸

Elsewhere in the region, various contemporary political parties have drawn their inspiration from national liberation movements, as in Croatia (HDZ), the Republic of Macedonia/FYROM (VMRO-DPMNE), Cyprus (DISY among Greek Cypriots and UBP for Turkish Cypriots) and Lebanon (Kataeb Party), to mention only a few. Yet these political parties have shown elements of adaptation since the late 1990s suggesting that power-sharing is not necessarily incompatible with right-wing (or left-wing) ideologies. Center-right political actors could develop effective and credible ties with

external peace actors such as the EU (Sandal and Loizides 2013). Similar processes of positive adaptation can take place among alternative political traditions. For instance, in Spain, the left has traditionally supported power-sharing arrangements with the Catalans and Basques, often against the wishes of right-wing opposition. And as highlighted in the Introduction, the Turkish Cypriot left has contributed a number of impressive mobilizations in favor of reunification in Cyprus.

Despite these breakthroughs across the political spectrum, political parties seldom reach consensus in issues of power-sharing, as moderate parties frequently face ethnic outbidding by intra-ethnic rivals. As shown in previous chapters, even between Greek Cypriot political parties historically supporting federalism, lack of intragroup consensus has made intercommunal compromise more difficult. In the presence of dominant nationalist frames, it is easier for the masses to adopt political views uncritically and act in ways that strengthen existing elite consensus, thus creating a vicious cycle between public expectations and the viability of federal or consociational projects. Even moderate elites might shy away from promising peace settlements, if they perceive those as politically risky or unfeasible.

In a nutshell, perceptions of the viability of power-sharing are critical for the negotiability and durability of such projects. As shown in the social movement literature, frames should aim not only at addressing grievances but also at identifying appropriate opportunities for conflict transformation (Snow and Benford 1988; Entman 1993). By extension, supportive allies and hostile neighbors are critical factors in the viability of federal and consociational projects. A reassuring international environment for power-sharing enables domestic actors to act accordingly.

In his seminal essay probing the absence of Middle Eastern Great Powers, Lustick (1997) suggests that a “permissive international environment” (focusing primarily on war as an instrument of political will) can explain forcible unification of separate entities in Europe. In other words, power relations and the use of military force by either regional or international actors are critical in understanding the success of federal projects. By contrast, even a large, territorially concentrated ethnic/national solidarity has been by itself insufficient in producing a corresponding great power, particularly among the Arabs. Unlike Europe, in the Middle East a system of colonial subordination and externally enforced norms to which the region was subjected in the nineteenth and twentieth centuries did not allow substantial changes in the number, size, or internal regimes of states (1997: 657). While Lustick

supports his arguments with both historical and contemporary data, his overall rationale could be challenged for deemphasizing local agency and statesmanship. Does power-sharing fail because external actors actively work against it, or does it fail because domestic forces have not acted preemptively to neutralize destructive outside influences?

This question could be asked of Bosnia and Lebanon in the past decades, and more recently of Iraq. In Cyprus itself, recent scholarly work has questioned the applicability of the O'Malley and Craig (2011) "conspiracy thesis,"⁹ and the degree to which western governments and specifically the United States have conspired to partition the island (Ker-Lindsay 2011: 45–46). Yet it is admittedly hard to argue against Lustick's overall analysis of the role of major powers—direct or indirect—in sustaining or preventing federal projects, or the importance of the neighborhood, particularly in the Middle East and Balkans.

Moreover, as shown in the most recent crises, the government in Turkey has played an active role in the Iraqi conflict, insisting, for instance, that a federal system could lead to autonomous Shiite, Sunni, and Kurdish regions, breaking up the country and threatening the stability of the region. As argued above, by framing multiethnic breakups as expected and inevitable, neighboring governments have channeled their energy toward this "eventuality," obstructing potentially viable multiethnic entities, and even contributing to their demise. The warning becomes a self-fulfilling prophecy, as a frame's prediction initiates actions that alter preexisting structures. On the issue of multiethnicity and federalism, it is interesting to note the confidence of regional leaders in their own predictions. Echoing Samaras' confidence about a Macedonian breakdown, minister of foreign affairs and later on president of Turkey Abdullah Gül said of Iraq: "The core of the problem is that if Iraq is divided [federalized], there will be *definitely* civil war and *definitely* neighboring countries will be involved in this" (Gamel 2006, emphasis added).

Yet the Iraqi case particularly in the Kurdistan region demonstrates how nations could escape these eventualities and self-fulfilling prophecies under conditions that seem prohibitive. Not only regional leaders but also key U.S. policy advisors have predicted since 2003 the "end of Iraq" due to the presence of Kurdish ethnonationalism (Galbraith 2007). O'Leary (2012) demonstrates that federalism versus disintegration in the country (as well as in the contrasting case of Sudan), depended less on neighborhood and more on Iraq's own leaders' choices and decisions. Despite the obvious problems of

Sunni alienation leading to the rise of the Islamic State, Kurdish leaders in Iraq demonstrated wisdom in two critical areas. First, their willingness to work consociational arrangements within the country and second, their adaptability in identifying functioning relations with the AKP government in Turkey point to crucial lessons for other divided societies including Cyprus in dealing with complex geopolitics. Overall, Iraqi Kurdistan demonstrates that hostile neighbors might also come to realize that federal and consociational arrangements contain positive aspects, not only for countries adopting them but also for their broader region.

“Power-Sharing Is Destructive”

Nonetheless, a third dominant frame is that power-sharing cannot resolve issues of multiethnicity. For critics, federalism and consociationalism have devastating effects and could worsen ethnic and religious conflicts. For the most part, critics argue that power-sharing in various forms has failed in the region, both historically in the late phases of the Ottoman Empire and subsequently in postcolonial or post-communist societies. In the past decades the examples of Lebanon, the former Yugoslavia, and post-1960 Cyprus have further consolidated the view of federalism and consociationalism as dysfunctional, if not catastrophic. Sadly, the region lacks an indisputably successful consociational or federal model that could inspire others to follow suit. Looking at the interwar period, Ramet points that, whereas Norway and Finland in Europe provided models of what newly independent states could be, there was no similar model for the Balkans (2006: 3). More recently, in Iraq, external and domestic critics have emphasized the absence of a relevant federal example. For instance, Muslim religious leaders as well as “liberal and democratic” politicians have stressed the need to preserve the country’s unity and have frequently “urged the Kurds not to rush into formulae like federalism and confederalism with which *the region is not familiar*” (*Mideast Mirror* 2004; emphasis added).

As argued earlier, Ottoman institutions and religious legacies of tolerance preserved cultural diversity for centuries; despite their embedded hierarchical nature, these could have provided the political and cultural antecedents for federal and consociational arrangements. But the reading of the Ottoman past is frequently limited to brief references in national history books and is highly selective. More important, how elites publically frame the *millet* legacy

in the post-Ottoman successor states makes public endorsement of federal and consociational arrangements extremely difficult, if not impossible.

Making a series of false analogies, contemporary critics engage in comparisons of recent minority accommodation proposals in the form of power-sharing or community recognition and the *millet* system and its role in the violent collapse of the Ottoman Empire (Berkes 1963). One example is Sonyel's *Minorities and the Destruction of the Ottoman Empire* (1993), published by the Ataturk Culture, Language, and History Foundation, an institution devoted to preservation of Kemalist thought in Turkey. Such frames preclude any discussion of federalism in either the official Turkish Republican ideology or the broader majority discourses in the country, including AKP's counterhegemonic positioning. Thus, despite the general liberalization of discourse in Turkey with regard to its domestic and regional identity representation since the 1990s (Somer 2005; Fokas 2008), institutional transformation through power-sharing has not been central in the country's political discourse. Instead Turkey has moved toward an increasingly majoritarian (semipresidential) system, paradoxically with the support of Kurdish voters following the 2008 referendum (Levitt and Ciplak 2012).

State institutions play a central role in maintaining hegemonic frames on political accommodation, particularly when confronted with contrary examples from other parts of the world, including Northern Ireland and Spain, as mentioned earlier. After visiting Spain in 1993, for instance, Turkish prime minister Tansu Çiller allegedly proposed use of the Basque model to solve the conflict in Kurdish regions, something she later denied (TRT TV 1993; Pope 1993: 14). Her rival and ANAP successor Mesut Yilmaz rejected the idea of federation with the Kurds and stated that regional cultures in Turkey must be allowed to exist through their own means (TRT TV 1992). On another occasion, Yilmaz said Kurdish should become the second official language in Turkey, but this proposal was eliminated before any debate could take place (McDowall 1997: 428).

More interestingly, in early 2007 a Turkish prosecutor initiated a criminal inquiry against late former president and coup leader Kenan Evren for suggesting that Turkey should become a federation. Drawing on his early proposal for administrative regions, Evren spoke openly in the media, suggesting that Turkey would one day decide on federalism; otherwise, "there will be no peace," he said, adding that the 10 percent election threshold obstructed Kurds from getting into Parliament (*Turkish Daily News* 2007). Not surprisingly, reactions against Evren were overwhelmingly negative. Zeki Sezer of

the small Democratic Left Party (DSP) argued that “those who are fooled by [the] insensibility of Evren and his like and hope for disintegration of the country are mistaken” (*New Anatolian* 2007). The more influential Nationalist Movement Party’s (MHP) Müsavvat Dervişoğlu said: “Evren speaks as a former president or as a 90-year-old whose head *has gone soft*,” while leader of the miniscule Independence and Change Party (HURPARTI) Yasar Okuyan argued: “[The] one who proposes dividing Turkey into eight provinces *is not a man*; emphasis added).

And as Lustick argues in his seminal work on unsettled states and disputed lands, the treatment of dissent as evidence of treason, criminality, and insanity rather than contrary opinion is part of hegemonic politics that help sustain violent conflict around the world (2002). But for Evren, who once referred to the Kurds as “mountain Turks,” federal ideas are less dictated by reconciliation dynamics and more by the logic of state security. This is not necessarily problematic or unprecedented. For one thing, successful federations such as India have maintained their unity by providing the constitutional space to establish new subnational units in response to secessionist demands. With the exception of the rather ham-fisted establishment of Telangana state in 2014, all other processes of state reorganization have been carried out with the general concurrence of the state legislature.¹⁰ For another, federalism is often driven by insecurity prevalent in unstable regional or sub-state systems (Riker 1975; Rector 2009). As implied above, Iraqi Kurds have opted to remain in a federal Iraq rather than simultaneously confront their neighbors. Comparable considerations appeared among South Slavs in the interwar period (e.g., the threat of fascist Italy) and are common to both communities in Cyprus today with regard to the gradual demographic change in the North following the unconstrained migration of Turkish settlers.

Lack of trust in international institutions stemming from anticolonial discourses is important in accounting for the failure of consociational and federal arrangements in the post-Ottoman lands. In divided societies foreign mediation, arbitration, and external peacekeeping are often essential in sustaining power-sharing settlements. Yet, as cases such as Cyprus reveal, even small and insecure states are frequently hesitant to welcome the involvement of major international organizations, opting to sustain a political culture that frowns on internationally endorsed arrangements. Admittedly, while security considerations (including Lustick’s permissive international environment variable) are critical in explaining post-Ottoman exceptionalism, it

appears that related frames also contribute to narrowing available options for peacemaking even further.

Overall, the analysis points to several misperceptions with regard to post-Ottoman national and federal movements. Majority nationalisms in the post-Ottoman successor states confronted ethnic and religious diversity not only by eliminating differences through ethnic cleansing and genocide (phenomena commonly associated with the region), but also by incorporating, even glorifying, diverse “folklore” traditions provided that those were adjusted to fit within the parameters of the dominant state nationalism (Hobsbawm 1992; Triandafyllidou 1998: 606). In a nutshell, it is not surprising that the roots of many post-Ottoman conflicts lie not in exclusion and oppositional state-building programs but in ambitious efforts to forcibly integrate and assimilate unwilling “half-brothers and sisters” (Stefanovic 2005). In principle, these real or imagined *half-siblings* could have been politically accommodated through federal and consociational arrangements balancing their own local interest with the broader military, economic, or political advantages of a unification project. Power-sharing and federalism could be an appropriate antidote to contested conflicts in volatile regions. Federalism and consociationalism have been fairly successful elsewhere by avoiding competition among state or sub-state loyalties, as people gradually learned to adapt to alternative identities. The Arab and South Slav unification projects discussed above are not the only cases in point. The essence of the Macedonian or Kurdish conflict in the twentieth century lies not in the exclusiveness of neighboring nationalisms, but in the involuntary incorporation of “brotherly communities” into narrowly defined centralized nationalist programs.

Partial “Successes” and Alternative Explanations

It is also important to acknowledge recent and “partial” success stories from the region, which also demonstrate that there is no inherent incompatibility between the region’s identities and power-sharing. The degree to which a federation or consociation is seen as successful is central to any discussion of arrangements in the post-Ottoman lands or elsewhere, especially if one aims to define partial successes or failures. In *most conflictual environments* the relative success of power-sharing should be understood in relation to previous records of civil strife. Following this reasoning, post-Taif Lebanon, post-Dayton Bosnia, post-OFA Republic of Macedonia, and, more recently, the

Kurdish regions in Iraq, as well as post-Arab Spring Tunisia and Morocco, are “relative success” stories (Zahar 2005; Bieber 2006; O’Leary 2005; Belloni 2008). Yet only certain aspects of these peace processes could offer inspiration across the Balkans and Middle East and justify positive analogies in public debates. The lack of an undisputed successful model from the region unavoidably restricts the catalyzing effects of power-sharing and institutional innovation. Admittedly, part of the relative success in these cases could be attributed to external support, but nonetheless, indigenous leadership has also been instrumental.

Although external protectors can be important, accounting for domestic factors in these “least likely to succeed cases” matters as well. As stated above, underdevelopment and previous violent breakdowns in ethnic relations did not prevent Lebanon, Iraqi Kurdistan, or Bosnia from mitigating ethnic or religious differences through power-sharing institutions. Admittedly, a political settlement on these occasions occurred primarily through external intervention (including use of military force). However, domestic opposition also contributed to (or at least failed to prevent) power-sharing settlements from functioning relatively effectively. External peace allies and credible incentives are critical in socializing undecided actors to embrace a power-sharing settlement. As suggested in Chapter 3, external mediation and power-sharing institutions could be designed in ways that better accommodate domestic political parties and their needs. And as demonstrated in the broader literature, external intervention works best in areas where indigenous leadership has been extensively engaged in decision-making and implementation (Dahlman and Ó Tuathail 2005; Bieber 2006; Belloni 2008; Stefanovic and Loizides 2011).

There are major limitations to the extent to which structure can explain unsuccessful federal or consociational engagements. As implied above, there is a significant variation in external intervention strategies and other structural conditions across historical and contemporary cases in the post-Ottoman region, including size, regime type, and level of economic development. Structural factors certainly contribute to the emergence and implementation of federal and consociational settlements, but no easily identifiable set of structural conditions is shared by most cases presented here.

Other explanations also fall short; as noted, alternative accommodation formulas have failed despite historical institutional precedents, ethnic or linguistic affinities, and major external incentives, as recently demonstrated by the EU intervention in Cyprus. This is hardly a new argument in the

literature. Much of the existing literature on the emergence of federations refers to “circumstantial causation,” often the product of negotiation between unity and diversity (Burgess 2006). The cases presented above demonstrate these observations, yet what remains relatively underdeveloped in the literature is how this “circumstantial vacuum” is filled with narratives and action frames that ultimately guide or restrict the formation of federations. When there are no discernable causal patterns shaped by macro-structures, it could be assumed that frames could have more space to catalyze political outcomes.

Moreover, Kedourie’s argument that nationalism has broken the patterns of the hierarchical but plural coexistence of the Ottomans and replaced it with a strongly homogenizing impulse is relevant to the present discussion.¹¹ Yet there is also an important limitation to Kedourie’s reasoning, as nationalism is not necessarily incompatible with federalism or other forms of political accommodation. In fact, previous scholarship has pointed to the kaleidoscopic nature of the nationalist doctrine and the ease with which it adapts or relates to philosophically opposed ideologies (Hutchinson and Smith 1994: 3). For instance, nationalism historically has assumed ties to liberalism, even though the former presupposes a strong commitment to the national community that transcends individualism. Nationalism often accommodates conservative values, including religion, despite the modernizing mission of modern nations (Appleby 2000: 12–13; Tambiah 1992: 1–4). Furthermore, it has even been paired with communism despite the internationalist orientation of Marxist ideological traditions (Connor 1984).

Thus, with regard to the interplay between nationalism and power-sharing, one can isolate two critiques. First, nationalism’s kaleidoscopic nature could have easily adapted to “philosophically opposed” aspects of federalism and consociationalism, particularly with regard to maximizing security, as shown in this chapter.¹² More interesting, it is important to note that in its earlier formulations nationalism attempted to combine national self-determination with power-sharing in the form of federalism, as presented by the founding fathers of the United States in the *Federalist Papers* (O’Leary 2001a: 280). These earlier formulations preceded the Romantic and homogenizing nationalisms of central and Eastern Europe; nonetheless, pluralist federations such as Switzerland and Canada also emerged and flourished during the “age of nationalism” in the second half of the nineteenth century.

Another alternative explanation of post-Ottoman exceptionalism is the

impact of colonial rule. However, it is important to consider the experience of other countries before passing judgment. For one thing, the success of federal arrangements is not confined to industrial nation-states, out of which no federation has failed since World War II (Bermeo 2002). For another, in much of the developing world, successful federations and consociations have survived and even thrived in volatile regional environments. These include a number of former colonies, such as India, Nigeria, Brazil, Ethiopia, South Africa, and Indonesia, whose socioeconomic and political conditions, arguably, are similar to those in the Middle East or the post-Ottoman Balkans.¹³ Thus, explanations emphasizing colonial effects or the unique social structure of the Balkans might not adequately account for the nature of post-Ottoman state-building.

As argued elsewhere the “dots of the Ottoman history” might have been drawn differently in constructing hegemonic post-Ottoman narratives. One could argue that local conditions, including the diverse but “modernizing impact” of the west, could have given the region an early advantage in power-sharing. Faced with comparable challenges, as for instance in India, other postcolonial leaders successfully countered colonial legacies by “crafting a pragmatic, political secularism that offered symmetrical treatment to various religious communities” (Kohli 2001: 5). In contrast, in the post-Ottoman lands, coercive power-sharing turned the region’s “early advantage” of tolerance into an unfortunate demonstration of how federalism and consociationalism lack prospects or viability.

It is useful to draw comparisons with post-communist societies as well. Critics of power-sharing in the region claim that ethno-federalism facilitates nationalist mobilization and state disintegration, an issue raised in the relevant literature (Bunce 1999). For Bunce, the design of these systems puts into place virtually all the building blocks necessary for the rise of nationalist movements (49). This process seems to be confined to communist federations, although a similar argument could be made about authoritarian regimes in the Middle East. In Yugoslavia, Stefanovic identifies the problem as the country’s centralism, not federalism. He argues that “despite its formal federal character, the centralized organization of the Communist Party, which wielded political and economic power, insured that Yugoslavia was a unitary state” (forthcoming). He concludes: “Communist Yugoslavia was *not a genuine federation* as the communist federations were federal in form but unitary in content” (emphasis added; see also Connor 1984; McGarry 1998a).

Despite their “federal and consociational failures,” some of the successor

states of the former Yugoslavia, including Bosnia, Kosovo, and Macedonia (like Lebanon), returned to such arrangements in the absence of alternatives and in the search for more genuine and viable forms of power-sharing. These areas are already demonstrating signs of success: decreased violence, reduced international involvement in peacekeeping commitments, and, as shown later in the book, return in some areas of internally displaced persons. Institutional innovation was key in transcending some of the obstacles facing those renewed power-sharing projects. As Chapter 4 demonstrates, Bosnia has partly escaped the fate of other postconflict societies such as Cyprus, where lines of division were perpetuated with almost zero returns. Meanwhile, power-sharing provisions in the Republic of Macedonia prevented renewed violence after the short 2001 war despite predictions to the contrary. As argued in Chapter 3, the provisions of the Ohrid Framework Agreement combined many of the characteristics of the Northern Irish d'Hondt innovation especially with regard to the latter's automaticity and inclusivity across ethnic lines.

Conclusions

More broadly, with regard to the post-Ottoman space my conclusions are threefold. First, traditions of elite accommodation and past legacies matter. On the one hand, they sustain power-sharing arrangements (Daalder 1974; Lijphart 1977); on the other hand, they act as barriers to such arrangements if negative memories, nationalist narratives and false analogies prevail in the public discourse. Although contemporary federal and power-sharing models differ greatly from the Ottoman Empire's *millet* system, communist Yugoslavia, or the postcolonial arrangements created for Cyprus and Lebanon, these cases sustain discourses negating federalism and consociational arrangements; they also constrain recent institutional innovations that could potentially overcome the obstacles that led to past failures.

Second, the careful reading of post-Ottoman (and world) history suggests that even the most promising federal and consociational projects could fail. As Haklai (2011) frames this same puzzle: "if power-sharing is a good method for governing diverse societies and is normatively desirable . . . why is it relatively scarce among states that emerged in the twentieth century" (2). The chapter has demonstrated through the experience of post-Ottoman neighborhood the resistance of narratives to conflict-mitigating mechanisms

including institutional innovation. Aspiring federations such as Moldova, Georgia, or Cyprus might well conclude from this comparative and transhistorical exercise that there is nothing inevitable in their federal projects; as in the case of aborted federal movements of the past centuries, some federal ambitions might materialize while others will fall into oblivion.

Finally, recent examples from postwar Yugoslavia and elsewhere suggest that the appropriate institutional design could overcome ideational and structural barriers. Of course, reintroducing power-sharing in difficult cases where previous experience has been negative might require major investment and support from outside actors, at least for a transitional period. In addition, related peace mediations require a deep understanding of the arguments of critics highlighted earlier in the book. It is essential to confront the arguments of those who oppose power-sharing and to design institutional arrangements that ease potential defects. Besides analyzing post-Ottoman failures, we need to identify conflict-mitigating institutions that have been most effective under “least likely” conditions. The “transferability potential” of such institutional arrangements lies in their capacity to mitigate “most difficult” conflict situations, setting the stage for comparable arrangements in similar or less complicated environments.

Chapter 3

Innovations in Power-Sharing: The Northern Irish d'Hondt

This chapter discusses innovations in power-sharing across divided societies by focusing primarily on comparative lessons from Northern Ireland. As stated in the introductory chapter, the d'Hondt system has contributed to broad inclusive coalitions and political stability in the province particularly since the restoration of the Northern Ireland Assembly in 2007 (O'Leary et al. 2005; McGarry and O'Leary 2009a; Schwartz 2011). By incentivizing the participation of all major parties in government, the d'Hondt skips a problematic and time-consuming aspect of consociationalism, namely that of forming interethnic majority coalitions. I use the case of Cyprus as a counter-example to the d'Hondt procedure where seemingly promising formulas have failed to be negotiated in the past emphasizing the reasons behind such failures in power-sharing mediations. I argue that a modified d'Hondt system could be highly relevant for peace mediations in the island and that it could fit nicely with the specific features and needs of federalism in Cyprus.

Power-sharing in Cyprus could take a number of different forms, each of which could be reflected in an alternative electoral design or system of government, for instance, in a parliamentary or presidential democracy, or, as suggested below, a semipresidential system aiming to integrate the two. Before selecting one arrangement, however, it is important to understand the broader criteria for power-sharing in divided societies. Power-sharing arrangements should first carry the promise of functioning smoothly, even if elected hardliners veto important legislation in an attempt to challenge federal unity. Equally, if political parties from the divided communities fail to form a governing coalition (as for instance in Belgium during its record-breaking 541

days without an elected coalition government in 2009–2010), mechanisms to resolve deadlocks should be present to secure the proper functioning of the central government. Second, it is necessary to consider how a power-sharing proposal accommodates the interests of each political party, a crucial question in the current Cyprus peace talks. This is an essential aspect of any mediation, as individual parties are unlikely to endorse an electoral or governance system in the peace talks or subsequent referendums, if any of its provisions threatens the perceived interests of their communities and their own future capacity as political parties to serve the public.

To set the context, the chapter introduces past and current mediation proposals and notes how these have been debated internally in Cyprus. It discusses the history and logic of the Annan Plan provisions and the subsequent cross-voting arrangements agreed on by Talat and Christofias in 2009, pioneered by Costa Carras and the Friends of Cyprus in the 1970s. It also revisits an earlier argument (Loizides and Keskiner 2004) that relates cross-voting proposals in Cyprus to Horowitz's intellectual tradition (see also McGarry 2011). It goes on to debate the merits of cross-voting as well as to address its multiple limitations. The second part of the chapter argues that a Northern Irish style d'Hondt executive offers a more negotiable and durable arrangement in Cyprus. It draws from the Cypriot experience to juxtapose Horowitz's approach to power-sharing with the alternative consociational view proposed by Arend Lijphart (see also McGarry and O'Leary 2009a; McGarry 2011). More important, it integrates the two intellectual approaches through a proposal for a mixed semi-presidential system for Cyprus (and potentially for other divided societies currently relying on presidential systems such as Colombia or Ukraine).

The 2002–2004 Annan Plan Arrangements

Was power-sharing in the Annan Plan unfair and dysfunctional? Critics have focused on the aborted plan's vetos, forms of rotating presidency, and contentious use of foreign arbitration in case of deadlocks. Coufoudakis points out that the proposed system was dysfunctional, given the apparent veto powers granted to the Turkish Cypriots and "the fact that disputes will be resolved by non-Cypriots, as in the case of the Supreme Court and the Central Bank" (2004: 10). As stated in the previous chapter, criticisms have also noted the disparity between decisions of the European Court of Human Rights (ECtHR) and provisions of the Annan Plan on property and the right of return (Palley

2005). In many aspects, the Annan Plan prioritized the rights of Turkish Cypriots (and settlers) with regard to property and more important power-sharing, but failed to “compensate” Greek Cypriots on issues of security and the right of return (Palley 2005; see also Loizides and Antoniadis 2004, 2009).

If the Annan Plan had been approved by the Greek Cypriots, the reunited island would have had a Senate with a 50-50 composition reflecting the political equality of the two communities (i.e., with voting rights based on ethnic background) and a Chamber of Deputies elected separately in each of the constituent states reflecting their respective populations (with no less than a quarter of the seats allocated to the Turkish Cypriot constituent state). According to all versions of the Plan, ordinary decisions in the Senate would have required a majority to agree, including at least a quarter of the representatives from each community. On issues of vital interest, such as the election of the Presidential Council (an executive body similar to that in Switzerland), there was a provision for a special majority of at least two-fifths of the senators from each side plus approval by the Chamber of Deputies.¹

To reduce Turkish Cypriot apprehensions about the resettlement of Greek Cypriots under Turkish Cypriot administration, the plan delinked residency and voting rights for the Senate. Thus, it proposed that members of each community would vote separately for their representatives in the Senate (i.e., as Greek and Turkish Cypriots) while representatives in the Chamber of Deputies would be voted in each constituent state. Cross-voting was initially debated during the negotiations but eventually abandoned with regard to electing the Senate and Chamber of Deputies, as the Turkish Cypriot side argued that such electoral mechanisms were incompatible with “genuine” Turkish Cypriot representation.² Meanwhile, Greek Cypriots showed little interest, even though the National Council had since 1989 entertained such cross-voting arrangements (Press Information Office 1989).

Ironically, the Plan maintained centripetalist provisions in electing the Presidential Council on a cross-community basis. As discussed above, the council was not supposed to be appointed by each community independently but on a “single list by special majority in the Senate and approved by majority in the Chamber of Deputies for a five year term.”³ This provision maintained an element of dysfunctionality that was nonetheless addressed through a Belgium-style requirement for the previous government to stay in power, if party negotiations had failed to agree on a new coalition (McGarry forthcoming).

Both communities expressed reservations about the operation of the two Chambers in the Annan Plan. Greek Cypriots feared that the strict bizonal

character of the Senate would prevent decision-making and voting in the Presidential Council because of the Turkish Cypriot veto. The latter could have normally vetoed a decision either at the Senate if less than one quarter approved a decision⁴ or at the Presidential Council if both Turkish Cypriot representatives voted against.⁵ For their part, the Turkish Cypriots feared potential deadlocks at the Greek Cypriot-dominated Chamber of Deputies. A mutually agreed compromise in the Senate and Presidential Council could have still failed to gain majority endorsement in the Chamber of Deputies where Greek Cypriots controlled as many as three quarters of seats.⁶ As stated previously (see Chapter 2) majorities are often reluctant to “grant” numerical minorities veto rights. Greek Cypriots have not been an exception; Turkish Cypriot veto rights have been one of the most contentious aspects of negotiations and public debates for decades.

Is a Turkish Cypriot veto an essential characteristic of a consociational agreement? In theory, it is possible to have a federal arrangement that allows the two Cypriot communities to run most domestic affairs in their respective constituent states while decisions at the federal level could be made by a simple majority irrespective of ethnic origin (closer to the Canadian federal model). In Cyprus, an effort could be made to include Turkish Cypriots informally in this majority, but this would fall short of endorsing a formal veto right for the Turkish Cypriot community. By extension, given the percentage of the Turkish Cypriots (historically around 18 percent), removing their official veto seems a fair adjustment in future mediations.

Yet the logic of this argument is flawed. The veto concept is not a product of the current negotiations, but a central feature of the 1960 constitution, reiterated in the references to political equality signed by Papadopoulos-Talat on July 8, 2006. It will be difficult to convince any side at the negotiating table to give up what its community considers an inalienable and established right, especially after decades of *de facto* partition. On this same issue, critics are incorrect when they argue that veto rights or rotating presidencies cannot be found in other countries; in fact, a list of federal countries discussed below rely on similar arrangements, not to mention the EU itself (arguably in the eyes of many a confederation).

There are other considerations when creating a fair arrangement for both sides in the island. According to Will Kymlicka, an argument “in defense of group-differentiated rights for national minorities is that those are the result of historical agreements, such as the treaty rights of indigenous peoples, or the agreements by which two or more peoples agreed to federate” (1995:

116). Kymlicka emphasizes the importance of historic arrangements but recognizes that previous agreements can be made under duress, an argument that both communities in Cyprus could, in theory, have employed until the signing of the July 8, 2006, Agreement of Papadopoulos and Talat, which took place with little external pressure or international interference. Kymlicka also addresses the equality critique that assumes a state must treat its citizens with equal respect. He stresses that deviations from the principle of equality can be made when the demos is contested and when there is a “prior question of determining which citizens should be governed by which states” (116). Finally, he argues that it is a serious breach of trust to renege on historical agreements signed in good faith because these agreements give rise to legitimate expectations by citizens who come to rely on them (119).

Contrary to conventional wisdom, minority vetos could add to the functionality of a peace settlement. On the one hand, in a majoritarian federation there is a temptation not to take minority views seriously or to rely on non-representative views of the minority; the question of who to listen to, to what extent, and under what circumstances remains undefined and subject to (electoral) cycles of moderation and escalation. On the other hand, properly crafted consociational arrangements could add a measure of certainty and reduce transactions costs, including negotiating new rules each time decisions have to be made. More important, inclusive consensus democracies, according to several studies, are better not only at managing ethnic diversity but also at running more effective economic policies, particularly in times of crisis. Lijphart (1999/2012), in his influential *Patterns of Democracy*, identifies a set of fiscal indicators (e.g., inflation) in which consociational democracies outperform majoritarian ones. International markets and the EU Commission have pointed in the same direction in recent calls for consensus-building and power-sharing in debt crisis-ridden countries. Broad inclusivity builds consensus and adds to a government’s capacity to deal with fiscal crises and other major challenges (Kovras and Loizides 2015).

Interestingly, while maintaining the positive aspects of consociationalism, the 2004 UN plan significantly watered down the 1960s Turkish Cypriot veto. Depending on the issue, a coalition constituted of just 20–40 percent Turkish Cypriots was proposed as a compromise in governing the federal structures of reunited Cyprus (Loizides 2009d).

Yet the “moderate” critics of the Annan Plan at the time also criticized its lack of integrative elements. Several independent proposals suggested possible improvements to the UN Plan using the concept of cross-voting between

the two communities (Emerson and Tocci 2002; Rotberg 2003; Anastasakis et al. 2004). Cross-voting or weighted voting has a long history in the island, and it is undeniably one of the most innovative ideas produced in bicommunal workshops in the past decades. Costa Carras and the London-based Friends of Cyprus have both lobbied for such arrangements since the late 1970s. References to cross-voting were also included in the Greek Cypriot proposals of 1989.

Notably, although held independently, three university conferences in the final months of 2003 at Harvard, Oxford, and Cornell led to similar suggestions. The Harvard conference resulted in a report titled "Cyprus After the Annan Plan: Next Steps Toward a Solution" (Rotberg 2003), authored by Robert Rotberg with the input of leading political figures from both sides of the island. Rotberg suggested that cross-voting or other similar electoral methods could encourage, even mandate, coalition-building across ethnic and state lines. He described this type of voting as beneficial for the Turkish Cypriots, arguing that cooperation across ethnic lines could work to eliminate discrimination against numerical minorities. Likewise, the Oxford report, "Getting to Yes: Suggestions for Embellishment of the Annan Plan for Cyprus" (Anastasakis et al. 2003), suggested that "cross-voting would potentially greatly contribute to enhancing the role of moderate factions in island politics and increasing the fluidity of the new political system on the island." In fact, the idea of cross-voting has been developed for many years by peace activists in the island. In a 2002 speech in the House of Commons, Andrew Dismore (vice-chair of the Friends of Cyprus) pointed out that without cross-voting there was a risk that rejectionists on both sides could create problems, as in Northern Ireland at the time (Dismore 2002). Finally, at the Cornell conference on Cyprus titled "Crossing the Green Line," a leading expert on ethnic relations in the former Yugoslavia, Chip Gagnon, stated that the absence of an electorate mechanism ensuring ethnic cooperation has been a major factor in the current malfunctioning of the Bosnian political system.⁷

The 2009 Cross-Voting Arrangements

Given its earlier support by academics and NGOs, the 2009 compromise on cross-voting by Talat and Christofias could have in principle catalyzed bicommunal negotiations in the island. Briefly stated, the 2009 compromise stipulated the following had a related settlement been approved: it allowed all

Cypriots a double vote, in their ethnic community and (with a suggested standardized weight of about 20 percent) in the other community. In the election of the president, every person would have one vote, making Turkish Cypriots an electoral minority of around 20 percent. In a second election, Turkish Cypriots would vote for a vice-president (to become president for one-third of the term). Greek Cypriots would participate but with a weighted vote of about 20 percent. Thus, the Greek Cypriot vote would be significantly weighted, and the community would become an electoral minority of the Turkish Cypriots. As stated above, the Greek Cypriot president would be head of government two-thirds of the time, the Turkish Cypriot for one third. In cases of constitutional deadlock, the acting president would have the winning vote and play the role of arbitrator.

Critics in both communities have argued that weighted votes and rotating presidencies are a Cypriot innovation with no international precedents. Yet weighted voting systems in particular are neither new nor particularly exceptional. As discussed in the Introduction, a significant percentage of the world's population live in democratic or democratizing federations. By their very nature, federal systems try to balance individual rights with those of constituent federal units, drawing on weighted voting systems to do so. In mature democracies such "electoral anomalies" might be initially resisted but are often accepted and gradually become almost completely normalized in the public eye (*Economist* 2011).

In fact, to refute anti-federalist claims, relevant examples could be drawn from more than a dozen federations. In Switzerland, for example, apart from the system of the rotating presidency, "one citizen from Uri outweighs 34 citizens from Zurich" (Linder 1994: 73). Linder notes that in the country, 9 percent of the Swiss population (residing in the smallest cantons) could block a democratic majority of 91 percent. Such ratios are not unique to Switzerland. In the United States, the difference in a Senate vote between the smallest and largest states can reach a ratio of 1 to 50 or more, while in 2000, Al Gore won the popular vote but lost the election because of the way the Electoral College system operates in the election of the president. In Australia, Tasmania, with about 502,000 people, has the same number of senators as New South Wales with over seven million. Prince Edward Island in Canada, with 138,632 residents, has four (appointed) senators, while Vancouver Island (not a province but part of British Columbia), with over 740,000, might have none. Manitoba, a single province, derailed the Meech Lake Accord with Quebec in 1990, while Ireland delayed the Lisbon treaty for the whole EU.

There are other examples in the EU. In northern Italy, in the little known province of Bolzano-Bozen, also called South Tyrol, a German-speaking population of about 290,000 shares space with an Italian-speaking population of 120,000, along with 18,000 Ladins. A major feature of power-sharing in South Tyrol is the compulsory rotation of offices in the presidency of the provincial Assembly. The presidency consists of one president and one vice-president elected by the Assembly. In the first half of every five-year legislative period, an elected representative of the German-speaking group must be chosen president and an Italian vice-president; in the second half, their roles reverse (Wolff 2009: 14–15). In another level of power-sharing between the provinces of South Tyrol and Trentino (forming the region of Trentino-Alto Adige/Südtirol), in the provinces' joint regional Assembly, majority Italians and minority German-speakers rotate the presidency and vice-presidency.

Bosnia provides a relevant example among post-Ottoman successor states. Since the Dayton Accords, Bosnia and Herzegovina have been divided (or reunited) through a complex constitutional architecture featuring on the one hand the Federation of Bosnia and Herzegovina, and on the other the Republika Srpska (often called the Bosnian Serb Republic). So far the post-Dayton Bosnia has survived a permanent division, and for a time the country escaped the majoritarian and disintegrating nation-state trajectory of the post-Ottoman region partly due to the heavy-handed approach of the international community following the 1992–1995 civil war. As in Switzerland and South Tyrol, Bosnia has a rotating presidency. The office of the president rotates between a Croat, a Muslim, and a Serb (Bieber 2003; Belloni 2008); however, the principle of restricting the office to representatives of the three main ethnic groups received condemnation of the ECtHR in the *Seldić and Finci v. Bosnia and Herzegovina* case (McCrudden and O'Leary 2013). In Republika Srpska, the candidate with the highest number of votes wins the race, whereas in the Federation, the Bosniak (Bosnian Muslim) candidate and the Croat candidate with the most votes win the election for state president. The 2000 demographic situation was Bosniak 48, Serb 37.1, and Croat 14.3 percent.⁸ Thus, although Bosniaks outnumber Croats by four to one, the Bosniak and Croat presidents have almost equal influence.⁹ Many scholars and practitioners dismiss the Bosnian model, yet the latter has reduced violence and brought stability to a wartorn and hitherto partitioned country (see also Chapter 5 on return of the displaced). Despite the pitfalls of Dayton's institutional structure, the majority of Bosnians today would not oppose the agreement, if they had the chance to vote for it in a peace referendum.¹⁰

In short, weighted voting and rotating presidencies, particularly following conflict, is *not* the exception but is commonly found in both established and democratizing federations. States have used federal structures for decades (in some cases for centuries), and new federations have emerged recently, especially in Europe, successfully addressing ethnic balances while distancing themselves from the “one person one vote formula.” The latter way of thinking is increasingly recognized as being not only unfair by permanently excluding minorities from power but also destabilizing, as those excluded may resort to secession or violence (e.g., Kurds in Turkey, Albanians in the former Yugoslavia, Irish Republicans in Northern Ireland before 1998, and Tamils in Sri Lanka). The critical question is whether weighted-voting systems as the one suggested in Cyprus can be inclusive of all citizens and potentially conducive of moderation.

Consociationalism Versus Centripetalism

For the most part, consociationalism involves guaranteed group representation. Elites come together to rule in the interests of society because they recognize the dangers of noncooperation (Lijphart 2004). Because it focuses on elite bargaining and mutual vetoes, critics argue that consociationalism prevents the development of a stable culture of compromise at the grassroots level. Horowitz (1985: 342) points out that the conflict-promoting character of consociational systems stems from the absence of incentives for cross-community cooperation (see also Moore et al. 2014). This lack of incentives, above all, leads to ethnic outbidding. For instance, an ethnic party representing Serbs in Bosnia would compete intra-ethnically with another Serbian party, rather than with broader cross-community coalitions also inclusive of Muslims and Croats (and vice versa). Parties become more antagonistic, critics say, leading to public alienation from the peace process.

As in Cyprus, critics elsewhere have suggested incentives for cross-ethnic moderation, including electoral mechanisms allowing members of an ethnic community to vote for the other community’s representatives, in addition to voting for their own (Horowitz 1991, 1993). Parties are encouraged to form coalitions before elections, creating broadly inclusive but majoritarian governments (Sisk 1996: 35). Successful electoral engineering lacks precedent, however. According to Sisk one major weakness of integrative approaches is “the lack of whole-country empirical examples of working systems” (35).

Centripetalist devices also carry various risks. For one thing, despite positive intentions, political parties might lose control of voters in moments critical for the peace agreement; for another, incentives for electoral moderation might backfire among the public, if each ethnic community turns its back on electoral incentives and limits its vote to community representation, effectively restricting its own representation in government (Loizides and Keskiner 2004; McGarry and O'Leary 2009a). According to Lijphart, healthy partisan competition requires that the basic rules of the democratic election game are broadly supported (Lijphart 1994: 151). Such considerations are pertinent in divided societies particularly in the absence of prior power-sharing experience and reconciliation initiatives, as suggested in the following chapters.

Hardliners and Power-Sharing

Moreover, critics might point to the vulnerabilities of a federal system if hardliners come to power. Every society has moderates and hawks, and there are cycles when the former or the latter come to power. Yet, as this chapter demonstrates, there are often unrealistic expectations as to the capacities of moderates or inherently detrimental role of hardliners. International relations literature has even questioned whether moderates are more likely to reach peace than hardliners, especially in the long term (Schultz 2005), while consociational literature has pointed to the risks of excluding hardliners from negotiated peace agreements (McGarry and O'Leary 2009a). Because of federations' inherent flexibility, the management of daily affairs is expected to take the form of close and cordial cooperation when moderates are in power and more distant cautious interaction when hardliners govern, with the unwanted side effect of minimizing the benefits of cooperation.

There are admittedly risks if hardliners come to power, as they might abstain from power-sharing for extensive periods of time, engage in acts of anti-federalist defiance, and even threaten secession. Yet this does not automatically mean the end of a federation. For one thing, consociational pacts accommodate hardliners better than any alternatives through both local governance and guaranteed representation at the central administration. For another, a federal system with flexible structures allows adaptation to circumstances and is fairly sensitive to shifts in leadership attitudes. Finally, effective local arbitration mechanisms (with the assistance of international

organizations) could guarantee the long-term stability of a federation against deadlocks, thereby limiting the role of potential spoilers.

More important, convincing hardliners to cooperate in consociational systems seems less of a challenge than convincing them to endorse an integrative/centripetalist system which might eliminate their political influence. A leading political scientist close to the Cyprus negotiations has emphatically stated that for Eroğlu to endorse the current cross-voting arrangements agreed on by Talat and Christofias “is like turkeys voting for Christmas” (an observation that would apply to any future rightwing Turkish Cypriot leader). Likewise, in the future it will be difficult for hardline politicians (especially from the Turkish Cypriot right) to endorse an electoral system that, in their view, “was negotiated by the left for the left to stay in power.” Such a compromise will inevitably condemn certain parties to post-settlement isolation.

This book’s argument on this point is simple: there is a multiplicity of electoral systems that can accommodate the interests of both Greek and Turkish Cypriots. Elected representatives and their coalition partners could be accommodated on this issue, especially if concessions are made in other areas the other side considers critical. And finally, if hardliners are offered the best electoral system possible and still reject it, it will be obvious that their side will have sole responsibility for the deadlock. The proposal below addresses these concerns but also builds on the progress already made in governance arrangements negotiated by Christofias and Talat. Potential obstacles are identified in advance with a view to mitigating them through the choice of an appropriate institutional design.

D’Hondt plus Cross-Voting?

My suggested formula outlined below involves a semipresidential system with the introduction of d’Hondt at the legislative and executive levels while maintaining cross-voting mechanisms for the joint presidency (see also earlier presentations in *Politis* 2012; *CYBC* 2012a). In a d’Hondt cabinet or similar method, political parties will be automatically entitled to ministerial positions by virtue of their representation in parliament (or most likely in the case of Cyprus the Senate). Deputies and senators will be elected to their posts through proportional representation or another system safeguarding proportionality. The ministerial council will fill a ratio (for instance

4GC/2TC), and there will be rotating first and second prime ministerial positions representing the two communities. The joint presidency will involve a cross-voting formula as agreed on by Christofias and Talat in 2009–2010. The two co-presidents will be elected directly by the two communities, each with a weighted contribution of 20 percent in the other's electoral process.¹¹ Executive power will lie primarily with the Cabinet, but the co-presidents will maintain key arbitration powers and deal with certain critical issues for instance involving security and mediations with the UN force in the island. The most important responsibility of the co-presidents will be to mediate and arbitrate deadlocks at all levels of government. If there are remaining unresolved issues, community vetos, or protracted stalemates elsewhere in the system, a consensus by the co-presidents will be sufficient to resolve such disputes before they arrive in the constitutional court or another arbitration mechanism. The presidential arbitration mechanism will add another democratic layer of governance to the reunification structure, creating a buffer zone between the constitutional court and the most inclusive form available of the d'Hondt executive cabinet. It will also ease critics' objections to foreign arbitration as two alternative deadlock-breaking mechanisms will be in place before foreign or other arbitration takes place.

As O'Leary et al. (2005) note, the d'Hondt executive is a Northern Irish innovation to power-sharing. The Belfast/Good Friday Agreement aimed at accommodating all political parties in inclusive power-sharing institutions, while the "oversized" Northern Ireland Assembly of 108 MLAs (Members of the Legislative Assembly) in the province was designed to accommodate even the smallest loyalist parties representing former paramilitaries, elected through a system of proportional representation-single transferable vote (PR-STV).¹² Moreover, political parties are not only proportionally represented in the Northern Ireland Assembly according to their total number of votes but also entitled to translate their assembly representation into ministerial positions. Most scholars and practitioners associate the d'Hondt with the allocation of parliamentary seats. Its introduction in the distribution of executive positions is rare but not unprecedented, following the experience of Northern Ireland. The d'Hondt is also employed in allocation of committee chairs in the European Parliament, in allocation of cabinet positions, committee chairs, and deputy committee chairs in Northern Ireland (since 1998) and in municipalities in Denmark, for example, in Copenhagen since 1938. By inviting everyone to join the cabinet, d'Hondt or alternative mathematical formulas (e.g., Sainte-Laguë) could skip the most contentious aspect of

consociationalism in divided societies, namely, forming interethnic majority coalitions.

The d'Hondt allocation process and other similar methods provide a set of very simple formulas to estimate the number of ministries for each party and to draw the sequence with which parties choose ministerial positions. The d'Hondt formula is elegant and practical as it requires only simple divisions by two, three, four, and so on. The party with the most MPs in each community chooses its preferred position in the government and its representation in the Senate is divided by the d'Hondt divisor (1, 2, 3, . . .). Then the party with the largest ratio chooses again until positions are filled up. Participation is entirely voluntary, but if a party stays out of the coalition, the positions go automatically to other (rival) political parties. As discussed below, in Cyprus these "runner-up" parties could be drawn from the same community to maintain bicommunal balance of the settlement. If hardliners in one community opt out of this voluntary inclusive coalition, positions are assumed by default by others, most likely moderates.

Table 2 demonstrates the strength of Parties A, B, C, and D, their quotients when they are divided by the d'Hondt divisor (1, 2, 3, . . .) and finally, the order by which all four become entitled to six cabinet positions. Yet importing the d'Hondt formula in Cyprus poses a number of practical challenges. For instance, it is important to note that in Cyprus the d'Hondt process would have to be run not once, as in Northern Ireland, but twice, once in each community. This is a result of the assumption that each community will be awarded a certain number of cabinet positions in advance.

Table 2: Hypothetical Illustration of d'Hondt Allocation

Party	Party A		Party B		Party C		Party D	
Divisor	S	M	S	M	S	M	S	M
1	34	1st choice	32	2nd choice	15	5th choice	9	
2	17	3rd choice	16	4th choice	7.5		4.5	
3	11.3	6th choice	10.6		5		3	
Total ministries	3		2		1		0	

S= seats in legislature; M=ministries. Parties vote divided by 1, 2, 3, . . . (d'Hondt divisor). Parties choose in order of highest quotient for six ministries. Order based on percentages here is A,B,A,B,C,A.

Moreover, following the Northern Irish d'Hondt procedure per se might not be the only alternative. Sides could consider all alternative mechanisms

to better guarantee inclusivity. In Cyprus, the Sainte-Laguë divisor, for instance, with six Greek Cypriot and four Turkish Cypriots could be a more suitable and negotiable arrangement for the Cypriot context. It will ensure the broad representation as understood by local political parties some of which are critical for the success of future peace talks. The tables below demonstrates the allocations based on the d'Hondt and Sainte-Laguë divisor formula (using 1, 3, 5, . . . as denominators) with six Greek Cypriots and four Turkish Cypriots elected to the federal executive. Ten cabinet positions will probably be the maximum number of portfolios as the central government will have limited authorities in a decentralized federation (see Chapter 1). Increasing portfolios might unintentionally expand powers for the federal government unless some ministers are appointed without portfolios. As stated elsewhere in this book, DISY, AKEL, DIKO, and EDEK are parties in the Greek Cypriot community, while CTP, UBP, and DP are the three main political parties in the Turkish Cypriot side.

Table 3: D'Hondt Allocation of Six Greek Cypriot Seats

Party	DISY		AKEL		DIKO		EDEK	
Divisor	S	M	S	M	S	M	S	M
1	20	1st choice	19	2nd choice	9	5th choice	5	
2	10	3rd choice	9.5	4th choice	4.5		2.5	
3	6.7	6th choice	6.3		3		1.6	
Total ministries	3		2		1		0	

S=Seats in legislature; M= ministries. D'Hondt divisor: 1, 2, 3, . . . D'Hondt sequence: DISY, AKEL, DISY, AKEL, DIKO, DISY. Alternative Sainte-Laguë divisor (see below): 1, 3, 5, . . . Sainte-Laguë Sequence (see below): DISY, AKEL, DIKO, DISY, AKEL, EDEK (Sainte-Laguë offers DIKO a better pick and EDEK a seat in the cabinet at the expense of DISY).

Table 4: Sainte-Laguë Allocation of Six Greek Cypriot Seats

Party	DISY		AKEL		DIKO		EDEK	
Divisor	S	M	S	M	S	M	S	M
1	20	1st choice	19	2nd choice	9	3rd choice	5	6th choice
3	6.7	4th choice	6.3	5th choice	3		1.7	
5	4		3.8		1.8		1	
Total ministries	2		2		1		1	

Table 5: D’Hondt Allocation of the Four Turkish Cypriot Seats

<i>Party</i>	<i>CTP</i>		<i>UBP</i>		<i>DP</i>		<i>TDP</i>	
Divisor	S	M	S	M	S	M	S	M
1	21	1st choice	14	2nd choice	12	3rd choice	3	
2	10.5	4th choice	7		6		1.5	
3	7		4.7		4		1	
Total ministries	2		1		1		0	

S=seats in legislature; M=ministries. D’Hondt divisor: 1, 2, 3, . . . d’Hondt sequence: CTP, UBP, DP, CTP.Alternative Sainte-Laguë divisor (see below): 1, 3, 5, . . . Sainte-Laguë sequence (see below): CTP, UBP, DP, CTP. There is no difference in the allocation of Turkish Cypriot seats, but following historical results Sainte-Laguë might be a better option for the moderate left.

Table 6: Sainte-Laguë Allocation of Four Turkish Cypriot Seats

<i>Party</i>	<i>CTP</i>		<i>UBP</i>		<i>DP</i>		<i>TDP</i>	
Divisor	S	M	S	M	S	M	S	M
1	21	1st choice	14	2nd choice	12	3rd choice	3	
3	7	4th choice	4.7		4		1	
5	4.2		2.8		2.4		0.6	
Total ministries	2		1		1		0	

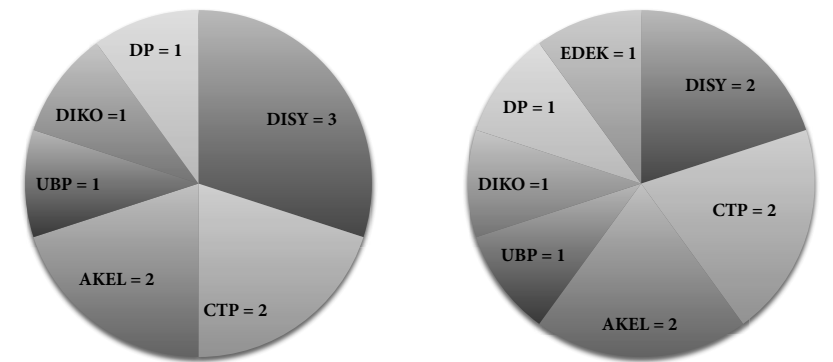


Figure 1. Pie-chart illustrations of d’Hondt (right) and Sainte-Leaguë (left).

A main advantage of sequential portfolio allocation is automaticity which implicitly reduces the veto powers of one community against the other in

deciding the cabinet positions. This is also the sequence through which current political parties could choose ministerial positions based on their electoral strength in late 2013. For instance, the sequence for Sainte-Laguë could be DISY, CTP, AKEL, UBP, DIKO, DP, DISY, CTP, AKEL, EDEK, assuming the two communities will also allocated ministries in rotation.

An all-party cabinet formula will have multiple advantages for Cyprus. To begin, the various options presented above could be matched with a specific country's political dynamics. As I read the situation, for instance, using the Sainte-Laguë divisor with six Greek and four Turkish Cypriots might be the most suitable arrangement for the Cypriot context and to ensure broad representation as understood by local political actors. Both the d'Hondt and Sainte-Laguë (as well as the Danish) divisors offer simple and inclusive ways to share power in a society that is deeply divided, not only in ethnic terms but also between left and right.¹³ These formulas are based on the pragmatic assumption that a single party alone from each community cannot successfully address the challenges of reunification. Broad coalitions allow everyone to participate in democratic governance without exclusions, as these might turn significant constituencies against the peace settlement.

As suggested by the Northern Irish experience, the automaticity of the formula eliminates the requirement to enter post-election negotiations to form a coalition (McEvoy 2006). Prolonged deadlocks in forming governments could be particularly problematic especially at the time of a global financial meltdown. The absence of formal d'Hondt style arrangements has left federal countries without elected governments for prolonged periods as seen in Belgium in 2009–2010.¹⁴ Under d'Hondt or a related process, if parties do not voluntarily assume their assigned cabinet posts, others will be entitled to step in. This is a major improvement from the parliamentary system of the Annan Plan, which sought the formation of coalitions similar to the Belgian model,¹⁵ and also closer to the Swiss “magic formula” (although the latter requires individual approval of each cabinet member by the Swiss Parliament).

The d'Hondt system in a federal Cyprus will enable moderate parties to cooperate without alienating hardliners or upsetting current coalition preferences among political parties for government or municipal posts. By relying on cross-voting, a moderate party might face two equally problematic situations: to be excluded from future coalitions or to run the government alone against the united opposition of its own community. By extension, parties risk losing critical allies or being outflanked.

Moreover, if AKEL forms a federal government together with moderate

Turkish Cypriot parties, DISY would align with DIKO and EDEK to exclude AKEL from state and municipal posts and vice versa. By contrast, d'Hondt eliminates the fear of exclusion and minimizes political risks for all actors, enabling constructive collaborations on issues. Moreover, because the d'Hondt executive does not make a distinction between hardliners and moderates, all major parties are entitled of representation in government. Once in the cabinet, moderates and hardliners face the same incentives to compromise by trading on issues that are less important in exchange for issues that are absolute priorities.

Advocates of d'Hondt argue that engaging hardliners in compromises while in power is preferable to having them obstruct the peace process in opposition. The Northern Irish experience demonstrates that even when hardliners increase their support, they only do so by substantially moderating their agendas on critical issues (Mitchell et al. 2009). Northern Ireland also suggests that power-sharing can be introduced in societies with no previous tradition of power-sharing arrangements; suggesting its transferability across a wider set of cases. The province's Sunningdale experiment with power-sharing was even shorter than Cyprus's, lasting only a few months (1973–1974). Yet institutional innovations could often overcome previous negative experiences and thus transcend obstacles to power-sharing. Interestingly, in Northern Ireland itself there is little clarity as to the origins of the d'Hondt procedure, although UUP interviewees have claimed ownership of the idea. Citing an Ulster Unionist politician, McEvoy (2014: 71) points out that “out of the blue, there was a proposal that departments would be shared around.” And as d'Hondt promised proportionality, inclusivity, and automaticity, it essentially provided a much more attractive arrangement negotiable across the broader Unionist-Nationalist political spectrum.

Furthermore, the case of Northern Ireland is “critical” in social science terms as the peace agreement faced major challenges in its early implementation phase. The 1998 referendum demonstrated Unionist fears, with a slim majority of Protestants (estimated at about 55 percent) backing the Agreement; this dropped to a minority only three years later as confidence eroded (MacGinty 2004: 90; Moore et al. 2014). The Unionists protested that the Agreement put Sinn Féin in government with no guarantees of decommissioning while several issues important to each side remained unresolved as the Agreement relied on constructive ambiguities.¹⁶ In the 2003 Northern Ireland Assembly election, the moderate UUP lost its position as lead party of the Unionist community to its main intra-ethnic competitor, the DUP.

When the Sinn Féin and DUP became the largest political parties in the province, the merits of d'Hondt became clear, as the system was tested under the "most difficult conditions" in the first decade of the peace agreement. Despite early deadlocks, d'Hondt incentivized collaboration by guaranteeing seats in the Northern Ireland Assembly, surprisingly even among former hardliners following the St. Andrews Agreement. Interestingly, in that Agreement parties agreed to annul the centripetalist provisions in the Good Friday Agreement in electing the two premiers on a cross-community basis, instead the first and deputy first ministers currently come from the two largest parties.¹⁷ Since St. Andrews, the logic of automaticity and proportionality has prevailed, almost exclusively for all cabinet positions in the province—a compelling evidence of d'Hondt's general efficacy. The only ministerial position not subject to the d'Hondt procedure is the Department of Justice, as it is still considered politically contentious for a Nationalist or Unionist politician to hold, though there are indications that even this might change in the future.

The DUP's electoral adaptation was most evident in its power-sharing with Sinn Féin; the party's position changed from total resistance to agreement (Moore et al. 2014). The St. Andrews Agreement restored power-sharing in Northern Ireland for the longest period in the province's troubled history. Power-sharing even contributed to an "amicable relationship" between figures such as Ian Paisley and Martin McGuinness—dubbed "the chuckle brothers" by Northern Irish media. According to McGuinness, in the past he and Paisley never had a conversation about anything—"not even about the weather." Even so, after St. Andrews their parties worked very closely together with no angry words between them (Purdy 2007). Equally important, surveys from Northern Ireland demonstrate that the devolved institutions quickly became popular, with support for establishment of the Assembly rising from 57 to 70 percent among DUP supporters between 1998 and 2003, and only 13 percent of Protestants rejecting power-sharing in 2007 (McGarry and O'Leary 2009a: 56).

D'Hondt is not without its critics, however. On the issue of functionality, some feel that a government of all parties might lack coordination and consensus. Unlike Northern Ireland, which can look to the UK and/or the Republic of Ireland for ad hoc arbitration (see O'Leary 1999b; McGarry and O'Leary 2009a), Cyprus cannot rely on direct rule by Athens and Ankara if power-sharing arrangements fail. Alternative mechanisms have to be identified if parties use their cabinet posts to block important legislation or, worse

yet, fail to enter a shared government. Or disagreements might arise at different levels of governance within the cabinet, the two parliaments or any sub-unit of the federation.

The Annan Plan aimed at resolving such disputes through the arbitration of the constitutional court, a slow process at best. Likewise, the 1959 Zürich-London Agreements included a neutral judge who nonetheless depended on the two community leaders for appointment (Ker-Lindsay 2011: 26).

On this issue, the present book adds another layer of arbitration to the reunification structure by entrusting co-presidents with the authority to mediate future conflicts by consensus. Combined with a d'Hondt executive, cross-voting for an arbitration co-president will have many positive effects. Hardliners will be less likely to veto a particular legislation, knowing that a co-president from their own community might reach a different compromise that would not necessarily reflect their preferences. Co-presidents will make decisions faster and in a more democratic fashion, leaving external arbitration as the last resort. They will have more flexibility in terms of time than the constitutional court and will be in a position to negotiate linkages across different issues, thereby maximizing gains for the two communities.

Decision-making could be transferred to the constitutional court only if all democratic processes are exhausted following failure from both cabinet and co-presidents to resolve a deadlock. Moreover, the neutral judges could be appointed directly by the ECtHR as in Bosnia, unlike the Zürich-London constitution. Alternatively, the European Commission itself could serve as an ad hoc arbitrator, as stakeholders have expressed reservations as to politicizing the executive.¹⁸

If advocates of cross-voting are right, presidential arbitration will add moderation to the system. Co-presidents will be entitled to form a de facto executive, if the d'Hondt Cabinet fails to produce results for prolonged periods. Even though the d'Hondt executive is the most inclusive form of government, no single party could veto a decision by itself. Depending on the final agreement, a majority could be defined by two Greek Cypriot and one Turkish Cypriot votes. This arrangement creates a dynamic of moderation by way of inclusion rather than exclusion. The Annan Plan had similar arrangements "splitting the Turkish Cypriot veto," but these could have been neutralized by coalition dynamics. For example, if the Turkish Cypriot representatives in the coalition hailed from the same party, they would most likely vote together, therefore the arrangement would have no effect.

The logic of checks and balances most common for non-consociational

democracies needs to be reversed for consociational arrangements in divided societies; instead, institutional designs should eliminate multiple veto points and add alternative arbitration mechanisms. As Bieber argues for Bosnia, adding overlapping veto points might unavoidably obstruct decision-making (2011). For example, unlike most political systems, in a d'Hondt configuration, co-presidents could not veto or alter a compromise already made at the executive level.

In a nutshell, the d'Hondt plus cross-voting proposal adds a "triple lock" to the governance system. A consensus at any level, the d'Hondt Cabinet, the cross-voted presidency, or a constitutional court, would be sufficient to resolve a dispute.

Benefits for Each Party

An essential criterion for a novel proposal in peace talks includes its negotiability that is extending significant and credible advantages to all main political actors in the process. The negotiability of the above formula lies in the maximized gains for each political party and as explained below these gains are both short-term and long-term as well as extremely important for each community and the whole island. As discussed above, the proposed formula avoids two equally problematic outcomes: either significant parties being excluded from ruling coalitions, or parties winning office without a majority from their own community having to face fierce intra-ethnic opposition.

National Unity Party: Traditionally, right-wing politics in the Turkish Cypriot community have been represented by the National Unity Party (UBP, Ulusal Birlik Partisi) of Derviş Eroğlu and the smaller Democratic Party (DP, Demokrat Parti) of Serdar Denktaş¹⁹ (Sözen 2005). These parties have few institutional or ideological links with Greek Cypriot political parties. Taking a nationalist line, they have traditionally confronted leftist opposition by emphasizing the prevalence of "motherland nationalism." D'Hondt is arguably the best arrangement the Turkish Cypriot right could get from any negotiation on governance. UBP could easily lose power under any previous proposal, as Greek Cypriot political parties would be hesitant to enter a coalition with UBP or support its presidential candidate. Instead, with d'Hondt, UBP would automatically secure one of the prime-ministerial positions if it becomes again the largest party among Turkish Cypriots. UBP would also keep an important Cabinet position if it stays the second largest party. With regard

to the co-presidency, UBP might choose to vote for a moderate center-right politician for instance Kudret Özersay or to keep Mustafa Akıncı in power (whose former party formed an alliance with Eroğlu in the late 1990s), in exchange for the support in regional or municipal elections.

Progressive Party of Working People: AKEL, the Progressive Party of Working People (Anorthotiko Komma Ergazomenou Laou), has seen itself as the leading force behind the peaceful reunification of Cyprus since 1974 (Trimikliniotis 2006). AKEL is often referred to as a nominally communist party as it has adopted a pragmatic approach to issues of governance (Faustmann 2008). Yet Christofias's 2008–13 presidency was marked with failures not only in managing the Cyprus peace talks but also in anticipating the sovereign debt crisis and forestalling the naval base explosion in 2011.²⁰ These failures not only challenged AKEL's "historic role" as the leading political force in the reunification of Cyprus, but also weakened its credibility as a coalition partner.

A reunification settlement with the proposed or a similar formula would offer AKEL an exit strategy from its current problems. It will allow AKEL to disengage from the cross-voting arrangements agreed on in 2009–2010 but do so in a dignified and mutually beneficial manner. AKEL could elect co-presidents with CTP—the most likely scenario. The co-presidents would embody the public face of Cypriot unity abroad and mediate deadlocks domestically. If AKEL were to accept the above proposal, it could still form majority opinion in cabinet, albeit in a politically less costly manner. In addition, AKEL could constitute a majority in the Cabinet with CTP's support, along with two (possibly one) of DISY, DIKO, and/or EDEK, depending on the final arrangements. Unlike current agreements criticized as favoring AKEL, this formula is undoubtedly fair and even-handed toward all other political parties. A comprehensive settlement based on this formula and earlier progress in the 2009–2010 period could restore AKEL's legacy and enable the party a smoother reintegration into the political system.

Turkish Republican Party: The Turkish Republican Party (CTP) has been in the forefront of reunification efforts in the northern part of Cyprus. As with AKEL under the 2009–2010 arrangement, CTP might win office but lack the majority support of its own community. Decisions could be blocked in either of the parliaments, and each president would face overwhelming opposition from all other political parties at home. With d'Hondt, however, CTP can have a secure seat in the Cabinet as the second largest party. Even if UBP were to retain the largest share of votes and claim the Turkish Cypriot

prime-ministerial post, CTP would be the kingmaker. The two Turkish Cypriot Cabinet members would have to agree in order to veto a decision; thus, CTP would hold the winning vote in most cases. CTP is the most obvious choice among Greek Cypriots for the co-presidency. A CTP co-president could mediate deadlocks or refer them to the constitutional court.

Democratic Rally: Since its establishment in 1976, DISY (Democratic Rally, Demokratikos Sinagermos) has hosted center-right liberals supporting reunification, right-wing nationalists, and former paramilitary groups who opposed Makarios in 1963–1974. DISY has transformed in recent years, taking a pro-reconciliation, progressive line (Sandal and Loizides 2013). Its main rivals include AKEL on the left, whose own pragmatism toward a settlement has yet to meet that of DISY for ideological reasons (Trimikliniotis 2006: 21) and DIKO in the center-right, which nonetheless failed to outbid DISY in the post-Annan era (Moore et al. 2014). A d'Hondt executive would entitle DISY to the Greek Cypriot prime-ministerial position and possibly a second of the four seats. This is more likely through d'Hondt, but possibly not with the Sainte-Laguë alternative, which slightly favors socialist EDEK.

So far, in the Greek Cypriot community the Democratic Party (DIKO) has been the kingmaker forcing the two major pro-solution parties in the left (AKEL) and the right (DISY) to adjust their positions. Despite its growth in electoral strength, the Rally has maintained a conservative image domestically and established an alliance with the Democratic Party which led to a comfortable victory in the February 2013 presidential elections. The Democratic Party has previously been allied with the Christofias administration but objected even to the limited proposals made to the Turkish Cypriots by his negotiation team. With d'Hondt, both AKEL and DISY would have enlarged options for collaboration across the political spectrum and beyond DIKO; therefore, Greek Cypriot internal party competition would be less damaging for moderate policies. The d'Hondt executive would encourage DISY and AKEL to constructively work together with minimum political costs. Moreover, an inclusive government would be preferable to DISY because it would allow the party to form coalitions with different partners at the same time. For instance, it could vote with CTP (and AKEL) on federal reunification issues and with UBP and DIKO on the economy. In principle, DISY could “steal” CTP from AKEL under the 2009–2010 formula but this attempt will require major concessions on all fronts particularly the economy. With this proposal, DISY voters could still be encouraged to vote for CTP for the co-presidency but the party could align with UBP and DIKO on

economic issues in the Cabinet. By extension, d'Hondt would encourage constructive engagement of both left- and right-wing parties in the administration of a reunified Cyprus.

Democratic Party (DIKO) and Movement of Social Democrats (EDEK): At the center, DIKO (not to be confused with the Turkish Cypriot Democratic Party) and EDEK have traditionally been the kingmakers in Greek Cypriot presidential elections. DIKO and EDEK combine lukewarm or no support for a federal solution with “rhetoric for the liberation of Turkish-occupied areas” (Trimikliniotis 2006). A system that enables broader inclusivity in the formation of the executive is by far the best arrangement EDEK and DIKO could get in a future power-sharing settlement. As in the case of UBP, both DIKO and EDEK would be the first to be left out of coalitions under previous centripetalist proposals. There is no reason for Turkish Cypriot political parties to enter a coalition with these parties if they can do so with AKEL and DISY. Instead, with d'Hondt, DIKO will automatically secure one of the cabinet positions if it maintains its current percentages. EDEK might also hold the fourth seat in cabinet depending on its percentages and calculation method (the Sainte-Lagué method will be preferable to EDEK instead of d'Hondt).

Communal Democracy Party and Democratic Party: Among Turkish Cypriots, the Communal Democracy Party (TDP) and the Democratic Party (DP) will most likely be left out of the cabinet with their current percentages under this proposal. However, they will be represented proportionally in the two parliaments and could trade their influence across different levels of government. For instance, parliamentary chairs and other key committees could be shared in sequence after the d'Hondt allocation of ministerial positions and could privilege smaller political forces. As in Northern Ireland, the same party might not keep both a ministry and a chair of an assembly committee in the same area. This limitation is essential in safeguarding satisfactory monitoring and parliamentary scrutiny.²¹

Bicommunal and Other Parties: Finally, an arrangement could be made to offer additional seats in the cabinet to any non-Turkish Cypriot non-Greek Cypriot party winning at least 5 percent simultaneously from both communities, counting Maronites as part of the Greek Cypriot community. TDP might benefit from this arrangement by seeking coalitions with smaller Greek Cypriot moderate parties, for example, the EDI Party (United Democrats) or the Maronites, depending on final provisions on minorities. O'Leary et al. (2005) discuss the possibility of post-election coalitions among parties to increase their d'Hondt allocations in the cabinet, something not permitted

in Northern Ireland but offered as an option in Danish municipalities. A middle approach might be agreed on in Cyprus to enable only bicommunal parties across ethnic communities to form such coalitions; this would allow a fair representation of voters who feel primarily Cypriot. An alternative proposal is to create one special cabinet seat for reunited Nicosia, Morphou/Güzelyurt, and Famagusta areas or displaced persons in general, transcending the boundaries of constituent states; the additional seat could be maintained on the basis of rotation across different areas and population groups as currently practiced with reserved seats in the Indian parliament.

A Third Alternative: The Ohrid Framework Agreement

The Ohrid Framework Agreement (OFA) negotiated in the Republic of Macedonia/FYROM in 2001 resulted to another noteworthy innovation for divided societies. Subsequent power-sharing arrangements attempted to balance the interests and mutual fears of the majority ethnic (Slav) Macedonians and minority Albanians in the western part of the country. Even though power-sharing has not been formally introduced in the OFA, there is an informal provision for a coalition of the largest ethnic (Slav) Macedonian party and their largest ethnic Albanian party. This informal agreement has now become the convention. The consociational arrangements used in the Macedonian Republic arguably share d'Hondt's automaticity (albeit in an informal way). To some extent this arrangement, which ended up the short civil war in the country in 2001, also partly shares d'Hondt's inclusivity across ethnic lines but not with regard to all political parties.

Unlike d'Hondt, the OFA system allows for increased intra-ethnic opposition within each community. Advocates of the OFA system argue that having opposition and rotation of leaders in power is necessary in a well-functioning democratic system (Koneska 2012). This argument also echoes reactions in Northern Ireland, where the two communities have been deprived of the ability to vote out their elected representatives and "turf the rascals out" (Hazell et al. 2002). The lack of an opposition, or alternative government-in-waiting has been criticized more and more vociferously since 2013.²² Yet this common argument against consensus democracy has its limitations. For one thing, voters might decide to move away simultaneously from all major political parties during major crises, as happened in some countries in post-2008 Southern Europe. For another, even small changes in

the electoral map could trigger redistribution of portfolios leading to alternative policies. Moreover, the experience of Northern Ireland so far testifies that parties could be constructive in expressing their differences even in an all-party inclusive cabinet; if they are “wrongly” voted out by political rivals in the cabinet or assembly, they can turn the disagreements into future election items. For these reasons advocates of d’Hondt in Northern Ireland have argued in favor of preserving sequential portfolio allocation, as it has served Northern Ireland well (McCrudden et al. 2013).

Also, in contrast to cross-voting, the OFA arrangement is neutral toward “hardliners” coming to power as d’Hondt. The latter could opt to join the government without having to agree on a joint government platform only if they succeed in becoming the first party in their community. Therefore, the OFA system is as arguably equally “fair and open to all parties” as d’Hondt, although its informality with regard to the issue of automaticity has caused some troubles in the Republic. With regard to Cyprus, the OFA arrangement appears to be the best electoral arrangement historically for the Democratic Rally (and possibly for the UBP). As the largest parties, they could both get elected to government without the need of forming electoral coalitions with others; an electoral provision will enable each party with a plurality of votes to win intra-ethnic majority seats in the parliament, as, for example, in traditional majoritarian democracies (e.g., Greece or the UK).

Yet it is questionable whether the OFA arrangement will be as conducive to a viable executive in Cyprus as the d’Hondt executive, since it will be difficult to imagine a single party alone from each community overcoming the obstacles of governing a reunited Cyprus. More important, it will be better if Turkish Cypriot moderates are also in government to circumvent a UBP veto. The OFA example could nonetheless be a point of reference in future negotiations.

Conclusions

Overall, a number of conclusions could be drawn. First, there are multiple alternative systems across postconflict societies that have functioned relatively well especially in the last decade and under conditions that seemed prohibitive. The Republic of Macedonia/FYROM has been effectively stable since the OFA, with all main political parties in each community serving at least once in power; more important, even former Albanian paramilitaries

have abandoned violence for a share in power (Koneska 2012). Second, in Cyprus the OFA would favor the largest parties and, more specifically within the Greek Cypriot community, the Rally and the UBP if these two parties maintain plurality in the foreseeable future in their respective communities. OFA could be a possibility if most political parties insist on a system that maintains the role of opposition; however, future mediators should not appear to be benefiting their narrow and medium-term party interests but should communicate the need for broader consensus in decision-making as demonstrated in the Northern Irish d'Hondt.

Fostering consensus is a formidable task in postconflict societies, but it arguably becomes manageable if societies overcome legitimate fears and embrace available institutional innovations. Power-sharing arrangements have been successfully negotiated and implemented, even amid heightened inter-communal mistrust. As demonstrated in this chapter, in Northern Ireland the Good Friday Agreement addressed the problem of power-sharing by giving each political party an automatic representation in Cabinet in accordance with the party's electoral strength. Northern Ireland is not the only example of power-sharing which could inspire Cyprus. Similar models have been introduced in other societies emerging from violent conflict (e.g., Burundi), in consolidated democracies (e.g., Switzerland, the Netherlands, or post-World War II Austria), local governments (e.g., Danish municipal councils) as well as international organizations (e.g., committee chairs in the European Parliament). Consensus democracies, according to several academic studies (Lijphart 1977), are better at managing diversity and also run more effective economic policies, something critically important in the immediate future in Cyprus. By departing from the winner-take-all logic, power-sharing allows societies to embrace novel understandings of public responsibility whereby the more parties share power, the better the prospects are for effective and sustainable management.

Consensus democracies have several other advantages: facilitating decision-making, increasing durability of policies, and strengthening grassroots support while allowing the representation of antisystemic elements. Switzerland demonstrates that economic vitality and consensual decision-making go hand in hand. The country's so-called "magic formula" (Linder 1994) enables each party to propose specific candidates to the federal council. As stated earlier, these are put under parliamentary scrutiny, and only those receiving the support of parliament can take up ministerial positions. This procedure facilitates the selection of broadly respected leaders and the

exclusion of extremists on the far right. Likewise, South Africa prevented a breakdown into racial violence by negotiating an inclusive power-sharing arrangement among all major political parties during the post-apartheid period (Guelke 2012). As these examples demonstrate, power-sharing can bolster trust in times of transition. Such arrangements could also break the intercommunal deadlock in Cyprus. More important, as this chapter demonstrates, new ideas in Cyprus could incentivize negotiations, bring the two sides together and reconcile nationalism and power-sharing in a reunited island.

Chapter 4

The Way Home: Linkages, Reciprocity, and Lessons from Bosnia

The story of Costas Hadjipavlou, a refugee from the village of Agios Amvrosios on the northern coast of Cyprus, made local news in 2002. After losing his property in 1974, Costas and his family, including his four daughters, joined the thousands forcibly displaced in the areas controlled by the Republic of Cyprus. Many readers will be familiar with the academic work of Maria Hadjipavlou, one of Costas's daughters; for decades she has been a pioneer in shaping the intellectual agenda of Cypriot reunification as well as leading various bicommunal initiatives for reconciliation and gender equality across the island's ethnic divide. Since 1974, her father Costas had dreamed of returning home to his native land. Two months before his death in 2002, he made a last act of defiance against his displacement (Uludağ 2002). He drove his tractor in an attempt to cross the checkpoints, which at the time were still closed even for short visits to the North.

The Turkish Cypriot authorities insisted that the line of partition should be permanently sealed for security reasons, and since 1974 divided, Cyprus resembled the border divisions of the Cold War era. When the police stopped Costas, he said he had to go home to water his trees. He was forced to turn around, but the act became news in the Cypriot media and touched the hearts of every refugee in the island.¹ As discussed earlier in this book, in 2002–2004 the policies of isolating the two communities were challenged in massive public demonstrations headed by the Turkish Cypriot left, and as journalist Sevgül Uludağ wrote, Costas's suffering came to symbolize the struggle against the "deep state" that has no relation with human feelings (2002). Sadly, Costas died shortly after his emblematic and highly emotional protest.

In this chapter, I address the issue of displacement in Cyprus and offer some suggestions on tackling the human rights of displaced persons during negotiations on federalism and power-sharing. As argued earlier in the book, the success of future negotiations is tied to incentives for displaced Greek Cypriots to return home in exchange for recognition by and power-sharing arrangements with the Turkish Cypriot community in a reunified Cyprus. The tragedy of Cyprus is twofold; since 1974 Greek Cypriots from the northern part of the island (about a third of the total population) have been displaced, but meanwhile Turkish Cypriots who had acquired (with the assistance of the Turkish military) disproportionately more land found themselves in a legal and political limbo. Four decades later, concessions on both sides might foster win-win arrangements on a multiplicity of issues, and if these concessions take place in conditions of security and credibility, a comprehensive settlement might be catalyzed in the near future.

As mentioned earlier, since 2004 Turkish Cypriot critics of the settlement have argued that Greek Cypriots have no incentive to settle after Cyprus joined the EU. The argument seems to have some merit, especially as Greek Cypriot management of the post-accession period does not appear to have been exceptionally prudent. Yet in any negotiation, sides acting wisely should seek out incentives likely to entice opponents across the mediation table; prudent negotiators should aim to make these incentives visible, credible, and achievable. On the one hand, as argued earlier in chapter 3, Greek Cypriots should endorse inclusive power-sharing arrangements with Turkish Cypriots to secure broader support for the settlement and, more important, to catalyze favorable concessions on other issues. On the other hand, if Turkish Cypriots accept generous refugee provisions for Greek Cypriots, they will improve their own negotiating position with regard to Turkish Cypriot concerns. In other words, the better a package Turkish Cypriots can “produce” on return, the higher their chances of winning concessions on issues prioritized by their community.

In a nutshell, this chapter presents various formulas for negotiating the right of return and argues that under certain conditions, return will be beneficial for both communities. While other chapters emphasize delinkage strategies (see Chapter 6) in negotiations, I develop here an argument for linkage strategies, a process of resolving intractable issues through “package agreements,” which I apply specifically to refugee and settler questions as well as negotiations on power-sharing and citizenship. I also highlight the importance of reframing images of the other to facilitate improved institutional arrangements and empower a better human rights culture in a reunified Cyprus.

The literature on postconflict societies has generally avoided debating challenges in settler versus refugee disputes in aspiring federations or conso-ciations. More important, previous peace plans for Cyprus have been moderately described as “unsuccessful” in balancing human rights with political and security considerations (see, e.g., Michael 2009; Adelman and Barkan 2011). Specifically, they have stipulated various forms of restrictions for internally displaced Greek Cypriots willing to return under Turkish Cypriot administration. This has consolidated a perception among Greek Cypriots on bicommunal federalism as a human rights-constraining institution rather than one that enhances protection of vulnerable groups, including the internally displaced. For critics of federalism, the latter will lead to “a state formation of concealed partition whose functionality requires the withdrawal of basic political and human rights from the Greeks of Cyprus”.² While recognizing the importance of such criticisms, this chapter aims to demonstrate institutional innovations that safeguard human rights, particularly for vulnerable groups.

Moreover, in the broader literature little attention has been paid to timing, sequence of concessions, linkages, and incentives in negotiating peace. For instance, in Cyprus itself linkages with regard to settler versus refugee disputes have rarely been explored in public or academic debates. But for a political settlement to work, it must first focus on human rights for vulnerable groups; these include refugees and relatives of individuals missing or assassinated in the 1963–1974 period, but other groups should be considered as well, such as the “Turkish settlers,” a marginalized population of post-1974 migrants or colonists (depending on one’s perspective) from mainland Turkey.

But as the introduction hinted in the breakthrough on the issue of missing (see also Chapter 6), human rights must be carefully balanced with political considerations and the needs of each side in the mediation. Previous work introduced relevant ideas, suggesting in particular a linkage between the number of future returnees, on the one hand, and self-adjustable incentives for the Turkish Cypriot community, on the other (Loizides and Antoniadis 2009). In this chapter, I expand this framework to examine the credibility of such linkages, using available survey data as well as taking into consideration international experience from elsewhere and the environment of financial and political uncertainty of the Eurozone crisis.

Conventional wisdom assumes that such crises restrict conflict resolution prospects; however, I demonstrate how alternative institutional designs could instead contribute to a more resilient economic environment in

post-settlement Cyprus. To this end, I consider various linkages, including land distribution and property issues, immigration from Greece and Turkey, and, more important, modified refugee/settler provisions. As in previous chapters, to support these arguments I draw on relatively successful cases elsewhere, particularly in Bosnia, to inform policy recommendations in Cyprus. I conclude the chapter with a normative assessment of the incentives/linkage approach and an empirical justification of its implementation.

The Cypriot Displacement Experience

Greek Cypriot and Turkish Cypriot communities have arguably faced comparable experiences with forced displacement in their recent past. Yet their reactions and arguments toward the “return home” have developed in different ways. In the post-1974 period, the Turkish Cypriot leadership tried to negotiate institutional arrangements preserving the island’s new demographic realities, including the presence of post-1974 Turkish settlers/migrants (Necatigil 1989; Yesilada and Sozen 2002: 275). In their narratives, Turkish Cypriots emphasize the period following the 1963–1964 bicommunal clashes when they were forced to settle in isolated enclaves scattered across the island (Fisher 2001: 310; Patrick 1976). Demographic security is not an unusual consideration for minorities who have historically felt threatened, as shown, for instance, in the Serbian community in Bosnia (Bieber 2006) or historically in the Jewish diaspora with regard to the formation of Israel (Yiftachel 2006).

On their own part, Greek Cypriots have emphasized the events of 1974 when Turkey invaded the island, citing their own demographic fears particularly with regard to the Turkish settlers. The invasion divided Cyprus into de facto Greek Cypriot and Turkish Cypriot sections with absolutely no communication until April 2003, when the two communities were first allowed to cross to the other side under restrictions. As mentioned in Chapter 1, during the invasion approximately 160,000 Greek Cypriots were forced by the Turkish military to flee their cities and villages, while around 40,000 Turkish Cypriots living in the south were coerced or chose to abandon their houses and move to the north (Fisher 2001: 311). While the opening of the checkpoints led to no frictions, renewed communication between the sides has not yet catalyzed a settlement and has even separated the two sides farther in certain respects, at least before Mustafa Akıncı’s election (Bryant 2010).

In previous negotiations, the Greek Cypriot side has framed its discourse in human rights terms and stressed the importance of preserving the option of refugees to return to their original homes in the northern part of the island (Loizos 1981; Anastasiou 2002: 584; Broome 2004: 203). Although Greek Cypriot refugees are divided on whether they would actually return, they have always emphasized their right to choose and the obligations of the international community to pressure Turkey to enforce refugee rights (Zetter 1994, 1999; Yesilada and Sozen 2002: 275). During the Annan Plan negotiations, for example, the Greek Cypriot leadership emphasized the imperatives of observing international human rights law, the principles of EU *acquis communautaire*, and the need for the settlement to be perceived as just by victims of displacement, if it were to last.³

By contrast, in the same negotiations, Turkish Cypriot leaders argued that realities on the ground, distrust, and security concerns dictated that return for Greek Cypriots should be strictly controlled. The Turkish Cypriots viewed property rights in the confines of “bizonality,” interpreted to mean a restricted right of restitution for Greek Cypriot properties in the future TC constituent state (Gürel and Özersay 2006; Kyriakou 2009). Similar arguments have been put forward in subsequent negotiations emphasizing the property rights of new owners, a dimension highlighted by recent decisions of the European Court of Human Rights (ECtHR 2003; Christou 2008).

Both sides have put forward historic, normative, and political arguments to confront each other; as the maps below demonstrate, the 1963–1964 bi-communal clashes (Figure 2) led to the displacement of Turkish Cypriots, since then dispersed throughout the island. Following the 1974 invasion and Greek Cypriot displacement from the north, various UN plans have proposed return of land to the Greek Cypriot side, as demonstrated in Figures 2, 3, and 4 with regard to territorial readjustments proposed in the Ghali Set of Ideas and the fifth version of the Annan Plan respectively.

On this issue of external mediation, what makes the Cyprus case particularly interesting for scholars in conflict resolution and refugee studies is the way the UN (as well as the EU and ECtHR) has positioned itself across conflicting demands and normative considerations (Adelman and Barkan 2011). As the Cypriot mediations predate post-Cold war conflicts in the EU periphery by at least a decade, they could arguably also inform comparable cases in the post-communist world, including Georgia (South Ossetia and Abkhazia), Serbia (Kosovo), and most recently Crimea (Ukraine), where internally displaced communities are confronted with similar protracted stalemates. As

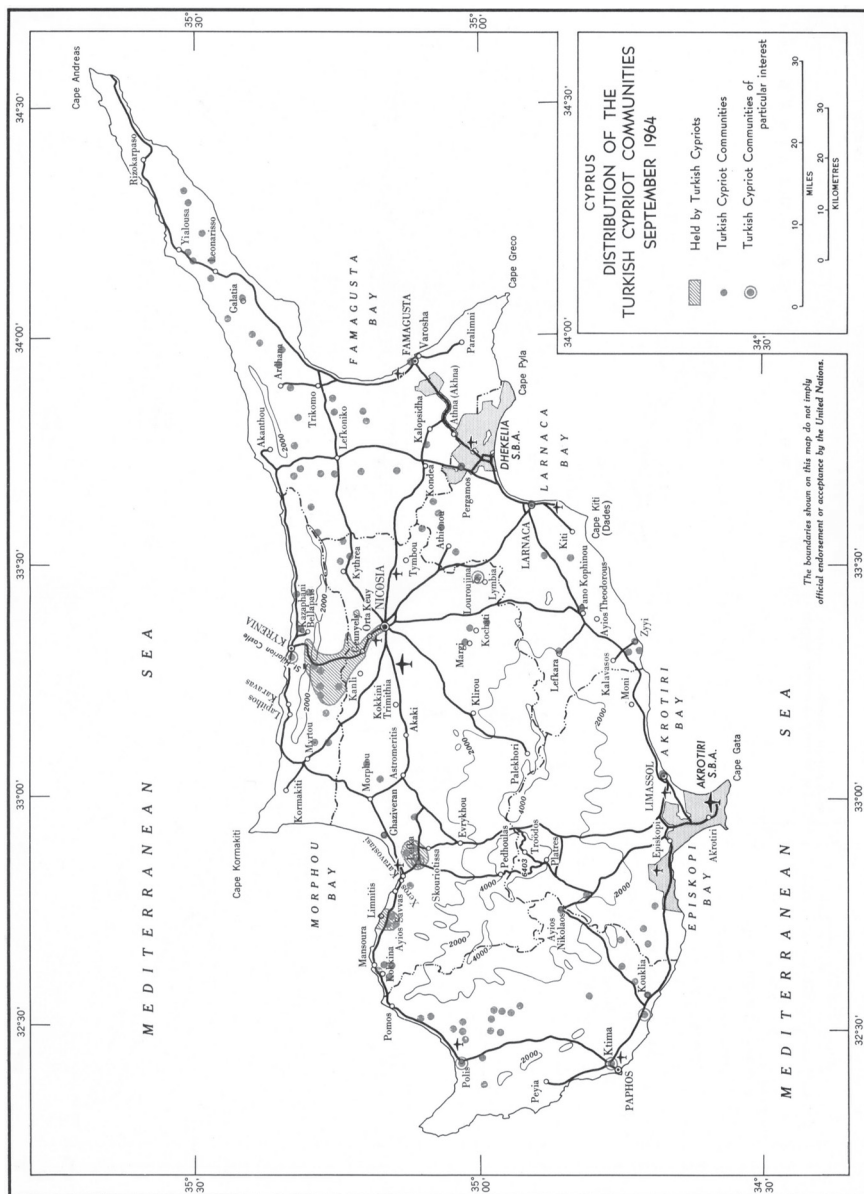


Figure 2. Distribution of Turkish Cypriot communities, September 1964. UN Cartographic Section.



Figure 3. Attached Map in 1992 Ghali Set of Ideas. UN Cartographic Section.

discussed in previous chapters, a major conflict resolution innovation in the Annan Plan is that the sides allowed mediators to design, arbitrate, and finalize arrangements before separate referendums were held—notably without consent of official leaderships as to the final content of the settlement.

How the UN opted to mediate on displacement issues is particularly informative. During the negotiations, UN mediators argued that international developments since World War II had favored a settlement based on respect for individual rights. Not coincidentally, earlier ECtHR decisions recognized the rights of Greek Cypriots in the northern part of the island and allocated damages at the expense of Turkey.⁴ Therefore, in making their suggestions the

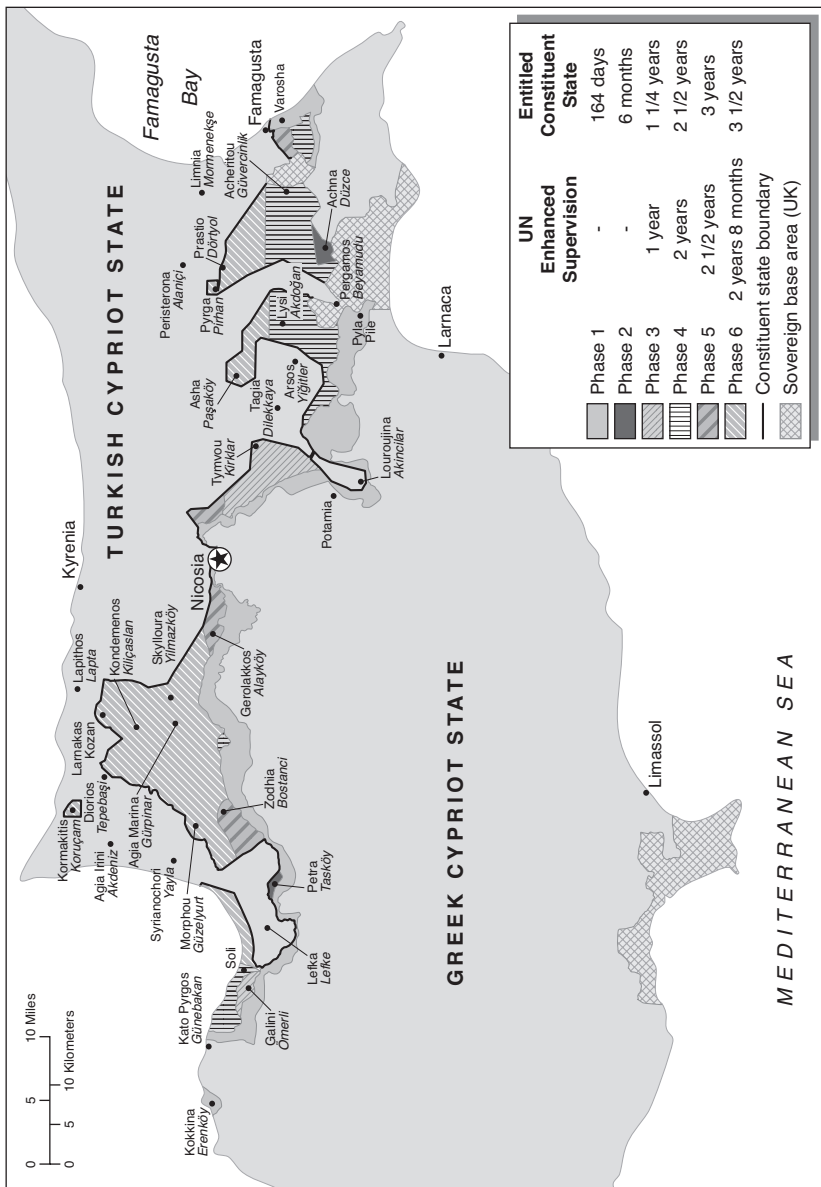


Figure 4. Territorial adjustments in the Annan Plan. UN Cartographic Section.

Annan Plan drafters took into account the positions adopted recently by the United Nations and the international community in the former Yugoslavia, but also the fact that the events in Cyprus happened 30 to 40 years ago and the displaced people (roughly half the Turkish Cypriots and a third of the Greek Cypriots) have had to rebuild their lives and their economies during this time. Unfortunately, the latter pragmatic consideration overshadowed human rights priorities for refugees, thereby contributing to the failure of the peace process in 2004. More important, the Annan principle of compensating the internally displaced through government guaranteed bonds did not convince the refugees then, despite fiscal stability at the time, which secured minimum risks to recipients and investors. Unsurprisingly, such financially risky solutions are not applicable anymore following the sovereign debt crisis. By contrast, alternative proposals that emphasize a more carefully monitored reallocation of properties, through for instance land consolidation, could be more acceptable, human-rights friendly, enduring, and cost-effective (Symeou 2012). Land consolidation relies on public consultation, and in divided societies could also incorporate the personal history of each individual, family, or community and its record of displacement or personal loss. These criteria have been issued in detail in the 2012 proposals of the Cyprus Academic Dialogue, a bicomunal NGO comprising academics from both communities (CAD 2013).

In short, UN-mediated provisions on the right of return could be reformulated to increase win-win gains in the negotiations and add credibility to a settlement. Although there has been an increasing demand for new ideas on the right of return, both policy studies and academic research have generally failed to provide practicable recommendations for effective conflict resolution. As will be shown, however, issues in the negotiations can be linked in novel ways that maximize the negotiability and credibility of a future agreement in Cyprus—or elsewhere, for that matter.

Theoretical Rationale

As discussed in other chapters, there is a need for a broader theoretical rationale in explaining how mediators use delinkage or linkage strategies to address complex issues. According to Lohmann, an appropriate negotiation strategy might involve linkage or delinkage; equally, neither might matter (1997: 48). Unfortunately, the literature does not say much on selecting strategies that might work for divided societies, partly because this and related

concepts are not being used *per se* in related studies and partly because few studies have attempted to develop a broader theoretical understanding of linkage or delinkage mediation strategies (see also Kovras 2012).

Yet negotiation strategies and theorists have long explored how to maximize gains in mediations, minimize critical uncertainties, and build credible commitments for future interactions (Fisher and Ury 1981; Raiffa 1982; Dixit and Nalebuff 1991; Schwartz 1991; Bazerman and Neale 1992). A distributive negotiation usually involves a single issue—a “fixed pie”—in which one side gains at the expense of the other, whereas in an integrative negotiation, sides put forward multiple issues that they often value differently (Bazerman and Neale 1992: 16–22). Parties can maximize their gains by making concessions on issues about which they care less in exchange for concessions on issues of greater importance (Lohmann 1997: 39). Expanding the “mythical fixed pie” often requires reconfiguring linkages, even by tying together issues “that are not necessarily related in any functional sense” (39). Following this approach, mediators in Cyprus and other aspiring federations and consociations could identify new ways of connecting the interests of conflicting sides, emphasizing linkages among issues previously thought of separately (refugees, settlers, economic management, etc.).

Raiffa et al. describe such linkages as “the very art of compromise” (2002: 482). Yet mediators should go beyond merely identifying these linkages to demonstrate their durability and negotiability across alternative future scenarios (Courtney et al. 1997; Ringland 1998; Schwartz 1991). Linkages across issues could allow sides to be compensated for possible losses in one issue with favorable readjustments in another, thus preserving the initial benefits that derive from a negotiated settlement. I therefore define a critical linkage as one that enables peaceful transformation through compensatory arrangements for those unsympathetic to a peace settlement, engaging their support or at minimum, neutralizing their destructive influence. In principle, such linkages could benefit both security and justice without requiring a compromise between the two. A note of caution: difficult choices would still need to be addressed, compromises would need to be made, and win-win exchanges would have to take place in an environment of trust and credible external guarantees.

Linkages and external incentives/guarantees could safeguard the effective and credible implementation of an agreement under conditions of uncertainty (Walter 1999, 2002; Lake and Rothchild 1996: 70; Fearon 1997, 1998; Raiffa 1982: 187–204). Fearon has demonstrated the links between ethnic

violence and lack of credible commitments (1998). In his view, conflict occurs because one or more groups cannot credibly commit to upholding mutually beneficial agreements reached in the past. When governments, power structures, beliefs, economic settings, and the demographic balance between groups are unstable, at least one of the groups cannot effectively reassure the other(s) that it will not break the agreement. Although not directly relevant to Cyprus, Fearon concludes that an examination of the relationship between Serbs and Croats or Armenians and Azerbaijanis shows that regardless what ethnic leaders agree to at the time of independence, there is no solid guarantee they will not renege in the future (1998). Recognizing this, groups frequently opt out of cooperation to avoid risk of future exploitation.

By contrast, stable ethnic relations require both a “contract” between groups and “safeguards” designed to render today’s agreements self-enforceable in the future (Lake and Rothchild 1998: 13–15). Checks and balances can stabilize group relations and ensure that no group will be exploited by another regardless of future uncertainty. In this regard, demographic linkages are key to stabilizing the relationship of groups. Since “real” or “perceived” demographic fears are widespread in divided societies (Van Evera 1994: 17–20; Fearon 1998: 109; Horowitz 1985: 177–79, Stefanovic 2008a: 8, 17), it is crucial to investigate how the “ethnic balance” of peace settlements can be monitored and restored particularly through self-enforceable adjustments. As argued in the previous chapter with regard to the d’Hondt executive, an element of automaticity in decision-making could reduce frictions among those sharing power. While these observations appear to be broadly intuitive, at this point, they have only limited application in the design of institutional mechanisms supporting displaced persons or other vulnerable groups in peace processes.

In Cyprus, self-adjustable arrangements will add an element of automaticity and functionality to the settlement. Such effective safeguards are necessary because of mutual distrust between the two communities and popular beliefs on both sides that, once in a position of power, the other will renege on agreements (Joseph 1997; Yesilada and Sozen 2002: 281; Palley 2005: 145–53; Hadjipavlou 2007). At the same time, Cyprus could be also seen as a moderately divided society with only limited incidents of violence in the past decade, suggesting the potential and value of institutions in sustaining positive transformation.

Refugees in the Annan Plan

Unlike previous proposed settlements, the Annan Plan was designed to function from day one, and to this end it provided detailed provisions on refugees, settlers, and immigrants. The UN suggestions concerning refugee resettlement in Cyprus resembled solutions proposed elsewhere, such as in Israel and Palestine, focusing on the transfer of land to the side with the highest number of refugees.⁵ More specifically, the Plan foresaw the return of 120,000 refugees (including descendants) to the new territories under Greek Cypriot administration (Markides 2004). At the same time, it implicitly linked this concession with proposed restrictions on the right of return of approximately another 100,000 Greek Cypriots (including descendants) tracing their origins to the territory of the future Turkish Cypriot state.⁶

The rights of potential returnees under Turkish Cypriot administration were significantly curtailed to preserve current demographic balances. In its five versions, the Plan put forward various restrictions on return for individuals under sixty-five, imposed lengthy time periods for establishing residency, set limits on property restitution, and limited state and federal voting rights for potential returnees.⁷ A major stumbling block for Greek Cypriots was the sequence of concessions and fear of nonimplementation. While immediately making concessions on issues involving settlers, security, and power-sharing, they were unsure about implementation of the limited rights granted to refugees and doubted the actual intentions of the potential returnees, given these restrictions. They were equally concerned about the credibility and effectiveness of territorial land transfers across the federal border (Coufoudakis 2004; Palley 2005).

In past negotiations, mediators faced difficult dilemmas with regard to refugee rights but had little information from surveys on how to maximize outcomes. It is important for Greek Cypriots to maintain the right of return under Turkish Cypriot administration because of public expectations for an improved settlement and refugees' concerns about fairness. The issue appears to take negotiation capital, time, and concessions away from other priorities. If, in fact, the majority of Greek Cypriot refugees opt for non-return, the more likely outcome given international experience (Adelman and Barkan 2011; Belloni 2009), the most problematic aspects of return will become irrelevant. Yet before the settlement there is no way to accurately predict how many refugees will return to their ancestral villages, as the Greek Cypriot case is different from "comparable cases" in Bosnia or Bulgaria (see also

Vasileva 1992). On the one hand, more than three decades have passed and refugees have rebuilt their lives in the South. On the other, the small size of the island, commutable distances, and higher income levels might make return more feasible (see also Zetter 1994, 1999). Thus, two critical questions arise. What are the intentions of internally displaced persons and how might undecided individuals be encouraged to return in conditions that are also seen as favorable for the Turkish Cypriots?

Intentions of Return Home

As for the former, relevant surveys supply some answers. For instance, the Cyprus2015 project, in partnership with UNDP and EU Commission representation in Cyprus, offers some of the most influential and extensive surveys done in the island in the past decade.⁸ In 2009 Dr. Djordje Stefanovic and I were invited to suggest a set of questions concerning internally displaced Greek Cypriots. A sociologist and Balkans expert, Stefanovic contributed to the questionnaire with his own knowledge of the Drvar region in western Bosnia, which has experienced the return of its Serbian population in the federated area controlled by militant Croats (see also Conclusion). We have also compared the experience of this community with that of the Cypriot Maronites in Kormakitis (see Chapter 6), aiming to produce a generalizable questionnaire as to return intentions among displaced persons in protracted conflicts.

The Cyprus2015 survey also covered general attitudes on peace, but asked different questions to members of each community concerning their expectations from the settlement. The overall sample for each community included 1,000 respondents randomly selected across the population. An important feature of the Greek Cypriot sample was the large number of respondents (about a third) who declared themselves internally displaced. The figure is consistent with the Internal Displacement Monitoring Centre report, which ranks Cyprus as the country with the largest percentage of internally displaced worldwide (IDMC 2015).

Because of identity and security concerns, Greek Cypriots were more willing to return under their own administration (i.e., to newly reallocated villages and cities across the federal border) rather than under future Turkish Cypriot administration. Looking at the Cyprus2015 sample data, we see that while only 16.6 percent of displaced Greek Cypriots were willing to return under the Turkish Cypriot administration, a much higher 69 percent were willing to

return under a Greek Cypriot administration (Loizides and Stefanovic 2012). On the one hand, the analysis confirms decisions by UN mediators to maximize the areas to be returned under Greek Cypriot administration and to limit return under Turkish Cypriot administration. On the other, the data suggest that the overwhelming majority of Greek Cypriots hailing from the future Turkish Cypriot constituent state are left with no incentive to support power-sharing arrangements; understandably, such refugees have formed some of the most vocal groups speaking out against bizonal federalism.

The demographic results are extremely interesting with regard to age: not surprisingly, perhaps, the Greek Cypriot elderly are more likely to return. According to Loizides and Stefanovic (2012), the average age of decided returnees is fifty-two. These findings are consistent with other studies elsewhere, for example, Bosnia (Opacic et al. 2005). In Cyprus, Sitas et al. (2007) found that the elderly (and refugees) have been in certain respects more open to rapprochement and reconciliation compared to younger persons (and nonrefugees).⁹ In interpreting these findings, it could be assumed that the elderly tend to have stronger attachments to their former homes and land. In addition, they are more mobile due to their pensions, although one might imagine that younger people might be able to commute to work daily, given the proximity of northern Cyprus to the capital city of Nicosia.

What is also interesting in this analysis is that high-income displaced persons are more likely to return to their former houses. The major public policy implication of this finding is that integration into a new environment does not conflict with return. In fact, the capacity to (re)integrate might offer displaced communities more resources, experience, and confidence in dealing effectively with hardships during the return process (Loizides and Stefanovic 2012). The age variable suggests that returnees could be “less threatening” than probably imagined by the Turkish Cypriots. High-income Greek Cypriot returnees would potentially double the estimated Turkish Cypriot benefits from settlement.¹⁰ Something often unknown to the parties in the peace talks is that direct and indirect taxes in federations are normally paid in the place of residence. This implies a positive linkage between improving return conditions for Greek Cypriots and financial sustainability of the future Turkish Cypriot constituent state.

Yet for a skeptical Turkish Cypriot, return of refugees remains a thorny issue. On the one hand, a demonstrated respect for the human rights of the displaced would strengthen the legitimacy of the Turkish Cypriot constituent state. Well-intended Turkish Cypriots might also feel sympathy toward

returnees and might agree that their community has no right to deny victims of ethnic cleansing the right to return to their native villages. Some form of restitution is important in making the North more pluralistic, and departing from what anthropologist Navaro-Yashin (2012) refers to as the “make-believe space” or “artificiality” of social and political life in the northern part of the island. On the other, publicly advocating return for all refugees might be politically unfeasible, as the actual numbers of returnees cannot be determined in advance. In a nutshell, the dilemma for the Turkish Cypriots is either to deny human rights for the displaced or risk inviting many more returnees than they want.

The Incentives/Linkage Approach

The incentives/linkage approach described below can help resolve this dilemma in an advantageous formula for both sides. The formula (see also Loizides and Antoniadis 2004, 2009) emphasizes the sequence of concessions and incentives and could take the following form. An agreement could first postulate the return of 25,000 Greek Cypriots under Turkish Cypriot administration.¹¹ If additionally one more (25,001) opt for return, the Turkish Cypriot side will increase its quota for the naturalization of two extra settlers or immigrants from Turkey (if they so wish) or get equivalent credits toward another issue. If only 24,499 resettle, the additional credits will be readjusted in favor of the Greek Cypriot side. The sides could agree on further linking the refugee/settler formula with tax revenues, immigration quotas, and unutilized land across the federal border. Resources could also be used to help potential returnees and émigrés or compensate settlers willing to return to Turkey.

Self-enforceable linkages reduce critical uncertainties of both Greek and Turkish Cypriots by maintaining (with self-adjustments) the overall balance of the settlement. Greek Cypriots will maintain the right of return, but there will be no need for costly concessions unless return takes place first, thus securing a higher degree of cooperation by the Turkish Cypriot side. Moreover, by controlling its immigration and naturalization processes, the Turkish Cypriot community can become “demographically secure” under different scenarios. Meanwhile, by making credible commitments to the demographic needs of Turkish Cypriots, the Greek Cypriot side can extract concessions on other issues.

As discussed in previous chapters, it is critical that cooperation is to be fostered at the local level by channeling readjustable benefits such as tax revenues to local communities (e.g., through municipalities). Such funds could finance development and social welfare programs, as well as integrated policing mechanisms, educational programs and civil society initiatives aiming to facilitate peaceful voluntary return. Related projects could also focus on vulnerable groups including women who often carry the heaviest burden during resettlement and reintegration.

Furthermore, a major strength of this formula is its automaticity and adaptability across various future demographic scenarios. For instance, the hypothetical 25,001st returnee will not be subject to any personal risk of being excluded from the return process under previously suggested quotas in the different versions of the Annan Plan; rather, any risks and the obligation for readjustments are transferred to the federal authorities. The formula's automaticity will reduce future frictions between Greek and Turkish Cypriots at the federal level. Simply stated, there will be *no vetoes* on refugee return; depending on the capacity of the system to provide adjustments to initial benchmarks, all refugees could benefit and return under the incentives/linkage approach.

Overall, potential returnees will have more choice as to what they can do at a personal level, and no restrictions on returning, voting, or even enjoying cultural and political autonomy in an area administered by the other community. Returnees could be guaranteed group-specific rights, quotas in the constituent state assembly of the other community, and participation in all levels of local and federal government. Compared with Annan V, the most significant advantage of this formula is that it secures a broader set of rights for each refugee (except the guarantee of full property restitution) without asking either side to make concessions in advance. Reciprocity and signals of good intentions are essential in preserving federal stability. Ethnic cooperation often fails, not because of malign intentions, but because sides cannot demonstrate that their actions do not aim to harm the other (Posen 1993). Fears of perceived "Hellenization" or "Turkification" are easier to control if each side reciprocates in kind and if self-adjustable credible mechanisms can guarantee timely implementation. In fact, the concepts of reciprocity and political learning have been promoted by Cypriot academics and NGO representatives for decades in Cyprus (Hadjipavlou-Trigeorgis and Trigeorgis 1983). Of course, fine-tuning this proposal with supplementary elements might guarantee additional advantages.

As stated in previous chapters, the percentages of Greek Cypriots in the North versus Turkish Cypriots in the whole island could guide the discussion on voting rights as well, for either the shared presidency or municipal elections. Greek Cypriots could become an electoral minority in the northern part of the island, and Turkish Cypriots could receive reciprocal rights in the future Greek Cypriot constituent state. For instance, all Greek or Turkish Cypriot displaced persons could gain a “double vote” that would enable them to vote simultaneously in their “titular territory” and across constituent states as a recognized national minority constituting for instance less than a fifth or tenth of the electorate.

Another possibility is to grant quotas or guaranteed seats to refugees from both communities, regardless whether they decide to return. If agreed upon, electoral inclusivity and interdependence between the two communities could make local authorities more accountable across ethnic lines and add a modicum of moderation to the political system. Such arrangements are not mutually exclusive with the consociational nature of d’Hondt arrangements presented earlier in the book. By way of contrast, secured demographics will maintain ethnic balances and minimize a fear common to both communities that the settlement will eventually harm their interests. Through the proposed approach, the Greek Cypriot side could be asked to reciprocate any rights granted to the Greek Cypriots in the North, thereby avoiding the Annan Plan’s various discriminating clauses substituting those with self-adjustable incentives for Turkish Cypriots.

Admittedly, critics of federalism in Cyprus will question this approach. For one thing, how can linkages be determined, monitored and institutionalized? How can possible problems associated with renegotiations be successfully addressed? What happens with intra-communal spoilers and violence? Can sides really make credible commitments to each other? How could one deal with the Turkish settler versus Turkish Cypriot relationship and fears of cultural and political alienation of the latter? Is the incentives/linkage approach normatively and legally defensible? Finally, can the formula draw upon successful return efforts elsewhere, and to what extent are renegotiation and arbitration essential in this process? In the next section, I address these key questions.

Bosnia: Community Engagement and External Arbitration

The case of Cyprus is not unusual in postconflict settings. The Bosnian Dayton Peace Agreement is an archetype of what has been envisioned for decades in Cyprus. Territorial adjustments at the time of the Dayton Accords allowed the return of the displaced (predominantly Muslims) who were ethnically cleansed during the war (Belloni 2009). In the more recent cases of displacement in the Balkans, the international community has showed little tolerance of ethnic cleansing and has prioritized the rights of the internally displaced over other considerations. Unlike UN proposals for Cyprus, the property and voting rights of the displaced are clearly entrenched in Dayton and universally enforced across the republic through direct involvement of the international community (Belloni 2001, 2008; Cox and Garlick 2003).

Nonetheless, the implementation of the Dayton Accords has not been straightforward; instead it has been slowly applied through a process of trial and error. The agreement effectively assigned international agencies with implementation policies thereby enabling significant minorities among the internally displaced to return to their former homes in the war-torn republic (Black 2001; Bieber 2006). The Bosnian return process, regardless of its inherent limitations, has been one of the first relatively successful attempts to reverse ethnic cleansing in the Balkans and the Middle East; before this point, it was often assumed that “demographic engineering” in conflict-ridden post-Ottoman regions could only lead to irreversible outcomes, as demonstrated recently in Cyprus, Israel/Palestine, and Southern Caucasus (Yiftachel 2006; Adelman and Barkan 2011) or shown historically in the population exchanges between Greece and Turkey in the 1920s (Clark 2006).

While the victims of ethnic cleansing have returned home in significant numbers all over Bosnia, certain regions across the country have been relatively more successful in peacefully reversing ethnic cleansing. The Drvar region in western Bosnia has been one of the most successful ones as it experienced the return of its Serbian population in the federated state controlled by the Croats. In this case, the social networks of the internally displaced played a decisive role in the process of return. Mutual trust and communal ties enabled, on the one hand, the creation of refugee and displaced persons’ organizations and helped, on the other, to foster coordination and overcome security challenges to successful and durable return (Stefanovic and Loizides 2011). More important was the institutionalization of social capital through the evolution of distinct electoral rolls for the internally displaced. Even in

exile refugees continued to vote together, and this allowed them to maintain their institutional ties. Such electoral provisions minimized fragmentation in social networks and allowed a determined leadership to negotiate the return of ancestral lands with a clear mandate.

Besides community involvement, neutral arbitration mechanisms have been extremely important in the implementation and renegotiation process. Bosnia, in particular, has relied heavily on international arbitration and external monitoring. The Office of the High Representative (OHR), entrusted with overseeing the implementation of the Dayton Accords that ended the war, has the authority to impose solutions when local parties fail to agree. The relative success in reversing ethnic cleansing in Bosnia can partly be explained by the authority exercised by OHR, especially its capacity to readjust policies and incentives to encourage refugee return (Black 2001; Cox and Garlick 2003; Dahlman and Ó Tuathail 2005).¹²

Trial and error efforts have been essential, as it was hard to envision the efficacy of incentives before their implementation. For example, in 1998, the Office of the UN High Commissioner for Refugees (UNHCR) adopted the Open Cities program, granting additional reconstruction funds to municipalities willing to accept the return of refugees and displaced persons (Black 2001), but this program did not overcome the objections of local authorities to return (Petersen 2011). In 2000 the OHR harmonized property laws and expectations across Bosnia, creating the legal prerequisite for large-scale return (Belloni 2005: 440–42). It was also given the power to remove officials who were not fulfilling the Dayton commitments, including the right of return (Dahlman and Tuathail 2005: 586). Finally, the Constitutional Court played a facilitating role in promoting reintegration by deciding in 2000 that the federal entities could not be considered exclusively Serb, Croat, or Bosnian Muslim, but must guarantee legal equality to all citizens, including minority returnees (Belloni 2008: 58–62).

International arbitration bodies could be seen as undemocratic. However, this should not be a major issue in Cyprus, where legal decisions of the ECtHR and executive decisions at the EU have direct applicability. Moreover, arbitration mechanisms are essential, because in postconflict societies, it is not only democratic accountability that matters; so does cross-community accountability with regard to the peace agreement and its implementation.¹³ At any rate, agreements on readjustments can be set in advance of the settlement or subsequently with the arbitration of third domestic actors, such as professional bodies and committees of experts.

A related provision might require a quantifiable system of monitoring the contribution of each side to the human rights issues and needs of the other community. This system could include periodic assessments and key performance indicators drawing from the application of metrics currently used in many areas of business, government, and scientific life with potential applications to conflict resolution and politics in general (Tarrow 1995: 474). It is important to note that innovative methodologies of measuring human rights through quantitative indicators are already available and could be fairly easily adjusted to the needs of mediated peace settlements (Landman 2004). Additionally, the inclusion of more issues in the incentives/linkage approach could imply better chances that all sides will have vital interests at stake. It will increase the potential of expanding the “fixed pie” in the renegotiations and provide additional disincentives to renege from agreements, thus reducing the likelihood of noncooperation, especially if hardliners come to power.

The Settler Versus Refugee Linkage

A final major aspect of linkage involves the settler question in Cyprus. The issue of Turkish settlers will continue to be contentious in the Cyprus negotiations, as demonstrated in polls following the 2004 referendums (Lordos 2006). After the partition of Cyprus in 1974, Turkish authorities encouraged tens of thousands of Turkish citizens to settle in Cyprus. Although there are no official data on the settlers, Hatay estimates the number of naturalized settlers to be around 16 to 18 percent of the electorate in the North (2005: viii), while Greek Cypriot estimates suggest 50 percent of the population (Palley 2005: 67). The Turkish Cypriot community itself is divided on the settlers; “ethnonationalist parties” have traditionally supported or tolerated the arrival of settlers, while pro-unification forces have generally opposed it, seeing it as threatening to the indigenous character of the Turkish Cypriot community. For the most part, all Turkish Cypriot political parties have maintained a balance between domestic fears of alienation and the need to attract new voters from among the settlers (Lacher and Kaymak 2005; Vural and Rustemli 2006; Navaro-Yashin 2006).

Not surprisingly, the Greek Cypriot side sees the presence of settlers as a violation of international law and the Geneva Convention (Loucaides 1995; Chrysostomides 2000: 197–215), a view supported by a 1994 Council of Europe report (Cuco 1994). Data from the 2009 UNDP/EU survey also suggest

that Greek Cypriot conditional returnees seem to prioritize security and have a deeply engrained fear of Turkish settlers who have occupied their homes since 1974 (Loizides and Stefanovic 2012). Yet the expulsion of settlers with their families, especially after the passage of decades, is ethically difficult to justify and difficult to achieve, particularly given their low socioeconomic profile (Carens 2000; Hatay 2005; Akçali 2007).

On this issue, the Greek Cypriot leadership has taken a pragmatic stance despite public pressure to the contrary, and in several negotiation rounds in the past decade has accepted naturalization of up to 50,000 settlers. However, until a comprehensive settlement is reached in the island, settlers will remain in citizenship “limbo,” lacking permanent residency rights.

In contrast, a permanent settlement will expand human rights options for all vulnerable population groups, as it will directly or indirectly involve a linkage between the return of displaced Greek Cypriots and the naturalization of Turkish settlers. Greek Cypriot concessions on the settler issue will signal credible intentions in the negotiations, particularly toward Turkey and hardline Turkish Cypriots supporting the naturalization of settlers. Positive signals, adherence to human rights standards, and reciprocity are also more likely to maintain international support for the settlement.

The incorporation of settlers into the incentives/linkage formula will address a number of key concerns and facilitate the reframing of the settler issue in the public discourse. As discussed in previous chapters, popular perceptions and framing processes are linked to institutional innovation; adversarial frames portraying either settlers or refugees as inherently threatening could inadvertently turn into self-fulfilling prophecies restricting positive transformation even in cases where institutional design could provide appropriate solutions. Conversely, pacifist counterframes could emphasize potential solutions enhancing inclusive narratives of shared entitlement to the territory of Cyprus. Such frames and positive images recognize the human rights and shared victimhood of all groups and could even embrace those initially subscribing as alleged beneficiaries of Turkish colonization. And likewise, the mutually beneficial inclusion of refugees and settlers into the peace process will help both communities see those groups in a positive light, building better foundations for a future federal state.

Admittedly, a difficulty with the proposed settler/refugee linkage is that many Turkish Cypriots have developed a double boundary distinguishing them from both their Greek Cypriot and settler neighbors, signified by the “othering” terms *gâvur* [infidel] and *fellah* [peasant] respectively (Navaro-Yashin 2012:

57). For many Turkish Cypriots, return of refugees accompanied by naturalization of settlers will be a double whammy rather than a *quid pro quo*. Although this is a justified critique, the linkage of the two issues might be one of the few options remaining for the Turkish Cypriot moderates to incentivize support for the settlement among the Greek Cypriots in a way that is acceptable to Ankara and would be voted by naturalized settlers in a future referendum. Moreover, the refugee-settler linkage is the only human rights compatible formula to guarantee that the majority of the population would be Turkish-speakers, historically the official demand of the Turkish Cypriot and Turkey in the negotiations. Yet the justified fears of the Turkish Cypriot community could be also balanced through institutional design in particular provisions of differentiated or asymmetrical citizenship for settlers.

Kymlicka argues that “in a society which recognizes group-differential rights, the members of certain groups are incorporated into the political community, not only as individuals, but also through the group, and their rights depend, in part, on their group membership” (1995: 174). Kymlicka describes these rights as forms of “differentiated citizenship” which in the case of Cyprus could provide alternative possibilities aiming to guarantee the survival of the Turkish Cypriots who are primarily concerned with the historical and political rights of their community. Although it deviates from the principle of strict equality, differentiated or asymmetrical citizenship implies different rights, protection mechanisms, and obligations for citizens based on their group membership. It is not an unprecedented mechanism in addressing conflict around the world, including North America, New Zealand, and even EU countries, as shown in the case of Hungary (Deeds and Stroschein 2005).

Asymmetrical citizenship for settlers might include provisions for gradual naturalization with regard to electoral rights but also offer preferential treatment as to educational opportunities and migration back to Turkey. Even though fewer settlers would be immediately naturalized compared to previous peace plans, established settlers could get permanent residency and more flexible options if they wish to be financially supported in returning to Turkey, including the “right to regret,” which would allow them to resettle to Cyprus without losing their previous status if they change their minds. For example, Bosnian returnees living temporarily abroad were given the option to return to the UK and France if their experience of repatriation proved negative (Black 2001: 186–87). Such arrangements might be even more acceptable to settlers themselves if they emphasize choice and socioeconomic

opportunities for personal advancement. To this point, most settlers seem to fit the profile of immigrant populations interested in daily issues and economic advancement rather than electoral politics or ethnic nationalism (Hatay 2005; Akçali 2007).

Likewise, for Greek Cypriots gradual naturalization of settlers is a better alternative than immediate and unconditional naturalization of “all settlers”¹⁴ proposed in Annan V, particularly if naturalization is tied to refugee return and contribution to peaceful ethnic relations. In Cyprus itself, previous proposals for settlement of the Cyprus issue clearly suggested differentiated citizenship for Greek and Turkish Cypriots, but not for settlers who have been included in the Turkish Cypriot community. Once a pronounced citizenship differentiation is included in the federal constitution, it is only legitimate, if not necessary, to consider additional ones involving settlers/migrants.

At the same time one might not underestimate Greek Cypriot sensitivities on the issue, even for granting permanent residencies. As argued above, the presence of settlers could be one of the most difficult issues to be overcome in the negotiations. For instance, even if the settler-refugee linkage might sound reasonable in principle, the fear of settlers among Greek Cypriot returnees is a pronounced feature of relevant surveys. Nonetheless, a carefully designed return process might address these fears. As implied above in a number of cases, distinct Greek Cypriot municipalities might be created for the returnees. The Cyprus Academic Dialogue in its own proposals also provides for “unrestricted relocation areas” so that Greek Cypriot returnees might be able to form communities.¹⁵ Although Greek Cypriot negotiators are insisting on full property restitution across the board (as in Bosnia), such provisions (even if they were to be accepted by the Turkish Cypriots) will prove suboptimal for Greek Cypriots, as most returnees might decide to sell their properties in fear of settlers or unwelcoming local authorities. As Sert (2008) acknowledges in her comparative study of the two cases, the property regime in Bosnia allowed returnees back, but many quickly decided to sell their properties in exchange for new homes on their own side of the border.

To preclude this possibility, reserve lands would allow Greek Cypriots a smaller percentage of land (also acceptable to Turkish Cypriots) but ensure greater safety, as they would find themselves next to co-ethnics. For instance, through the proposal for land consolidation (Symeou 2012), returnees could be allocated predominantly Greek Cypriot sections in each village without making the divisions too obvious or conflictual. Surveys in other parts of the world have shown the importance of community mobilization. For instance,

in a survey among displaced Kurds in Turkey itself, community return had a very strong impact on chances of individual return, with one unit increase in the extent of community return raising the odds of individual return by eight times (Stefanovic et al. 2013).

In conclusion, although relocation of settlers back to Turkey is preferred by Greek Cypriots (and many Turkish Cypriots), this might not be a politically feasible option, especially after the passage of decades. Instead, a linkage could be drawn between naturalized settlers and attempts to restore historical Greek Cypriot communities in their traditional villages. This is consistent with international practices on indigenous rights, as well as the OSCE Lund recommendations. Similar measures have been implemented (with some success) in the decentralization of municipalities in the Republic of Macedonia/FYROM and in Kosovo under the Ahtisaari Plan. Briefly stated, the principles of community protection that apply to the Turkish Cypriot community as a whole could be also implemented at the local level for Greek Cypriot returnees in designated municipalities. Following the recommendations of the Cyprus Academic Dialogue, land consolidation could be informed by the individual circumstances of each person and family, prioritizing those who have suffered the most from displacement or loss of relatives during the conflict.

Demographic readjustments could include naturalization of new immigrants from both Greece and Turkey. Because of its better employment opportunities, the economy in the South has attracted low-wage ethnic Greek origin workers (from the former USSR), but more recently highly skilled workers have been employed, particularly in the service and higher education sectors.¹⁶ For its part, the Turkish Cypriot part of Cyprus will need labor and skills from Turkey because of reconstruction, the burgeoning tourist industry, and the presence of already established universities. In fact, reconstruction of the economy of Northern Cyprus might lead to an inevitable increase of its population. Thus, without a post-negotiation linkage formula, immigration could cause friction between the two communities. But if added to the incentives/linkage formula, immigration could become more manageable; it could sustain economic reconstruction and even allow Cyprus to shorten the long cycle of recession following the Eurozone crisis.

In other words, the current sovereign debt crisis might open a window of opportunity for the settlement of the Cyprus question; with the housing industry in deep recession the reconstruction of Famagusta, Morphou/Güzelyurt, and about fifty villages to be returned to the Greek Cypriots will cost less

than at any previous time, save thousands from long unemployment, and even allow Cyprus to avoid a deep recession that might last for up to a decade. Unsurprisingly, foreign donor aid will become more important in future mediations for power-sharing in Cyprus and even prove to be the catalyst for settlement, as both sides are facing the consequences of recession at the same time; yet aid might be ineffective if the appropriate institutional setting and demographic flexibility are missing.

Conclusion

Prolonged conflicts tend to be especially hard cases to resolve, often victimizing displaced persons for generations. These cases are particularly problematic because homes and other properties belonging to the displaced frequently come under the control of new owners (Leckie 2003; Adelman and Barkan 2011). Furthermore, the territory belonging to the internally displaced might become part of another group's imagined "national homeland," as this group may also consider itself forcibly displaced. This could be an internationally recognized state such as Israel (with regard to the rights of Palestinians), a newly federated republic such as Bosnia (with regard to the rights of the displaced in sections of the country controlled by Serbs, Croats, or Muslims) or a potentially autonomous territory in a future federation such as Georgia or Moldova (Belloni 2009; Kaufman 1996; Weller and Nobbs 2010).

Cyprus is a paradigmatic case of an unfulfilled federal project. Similar issues and institutional challenges are on the agenda elsewhere. For example, negotiations between Armenia and Azerbaijan have focused on territorial readjustments to maximize the number of co-ethnics in each state. In Georgia, debates on Abkhazia and South Ossetia have focused on the rights of the internally displaced in a decentralized, potentially asymmetrically federal Georgia (Wheatley 2005). These cases suggest that linkage approaches might be relevant to conflicts beyond this book's main case study.

As the chapter shows, return of the displaced is critically important to the negotiability and sustainability of a peace processes. But likewise reframing discourses on settlers and refugees is essential in embracing available institutional innovations. On this point, the Greek Cypriot leadership might aim at improving the images of "others" in the conflict, especially since oppositional discourses on the settlers diminish the chances for a compromise and, more important, return intentions among the displaced—a major Greek Cypriot

objective in the peace talks. Likewise, Turkish Cypriots should also embrace a pluralistic human rights culture; the fact that many of those committed to return, such as the late Costas Hadjipavlou, are aging demonstrates the very narrow window of opportunity for a settlement. But as demonstrated in the introduction of this chapter, the people of Cyprus and their actions suggest that there is still space for hope. Following Costas's death, Uludağ went to his village and brought soil from the land there and passed it to his family to sprinkle it over his grave. Activists and the media could play a major role in reversing negative images of the other and in building a bicommunal spirit. At the same time reunification contains major challenges that might require credible linkages and complementary compromises across the ethnic divide. Equally, in Cyprus the internally displaced will determine in proportion to their electoral size the fate of a future peace plan in a referendum. Voting for a negotiated settlement is an essential step in the Cypriot peace process, as the next chapter will demonstrate.

Chapter 5

Mandate Peace Referendums: A South African Innovation?

In early 1992, Frederik Willem de Klerk confronted one of the most difficult dilemmas of his political career. As the last president of apartheid-era South Africa (September 1989 to May 1994), De Klerk realized that the policies of racial segregation had not only failed but also become politically unsustainable by the end of the Cold War (Steward 2012; de Villiers 2012). After his election to the presidency, De Klerk initiated a peace process that also ended Nelson Mandela's twenty-year imprisonment. Within two years, however, his National Party began to lose critical by-elections, threatening the legitimacy and mandate of ongoing peace negotiations. De Klerk was confronted with a challenge common to postconflict transitions (including Cyprus), whereby moderates gradually lose public support as ethnic outbidders from their own community undermine attempts to negotiate a peaceful settlement (Horowitz 1985; Brubaker and Laitin 1998; Gormley-Heenan and MacGinty 2008).

De Klerk came to the conclusion that he needed an unambiguous mandate to proceed. His solution was a referendum asking South Africans to focus on a single issue: "Do you support continuation of the reform process which the State President began on February 2, 1990 and which is aimed at a new constitution through negotiation?" (De Klerk 1999: 232). In a period of a few weeks leading to the March 17 referendum, the South African leader managed to generate widespread enthusiasm for his reforms, even winning the tacit support of the African National Congress (ANC) (Strauss 1993). His landslide victory included rural Afrikaner communities and urban English-speakers, surprising his own party officials who had optimistically predicted a 55 percent "yes" majority. In fact, 68.7 percent said "yes" (Waldmeir 1992:

47). As De Klerk admits in his autobiography, his “*calculated* gamble paid off handsomely,” despite the initial misgivings of his colleagues (1999: 234; emphasis added).

South Africa’s innovative use of an early mandate referendum offers both inspiration and multiple lessons for other divided societies. Yet successes in peace referendums are rare, making this innovation a risky strategy for resolution of conflicts. There are many things to consider before calling a referendum. For example, as previous chapters note, negotiated settlements should prioritize not only security concerns but also the needs of vulnerable groups; these could include displaced persons, victims of conflict-era aggression, and families of the missing. Such groups can play an important role in determining support for the settlement, including a majority “yes” vote in a referendum. At the same time, the broader public must be consulted throughout the process, as a settlement often requires formal endorsement by voters in more than one community.

This chapter considers the extent to which direct democratic processes are necessary and useful in the ratification of federal and consociation transitions. It focuses on the main dilemmas in the design of peace referendums, highlighting available options and challenges for deeply divided societies. Historically, identity and political factors often shape a problematic discourse about federal and consociational arrangements. As stated in Chapters 1 and 2, past failures and contemporary false analogies have shaped strong public perceptions concerning the efficacy of such arrangements in the popular mind. Simply stated, majorities in emerging federations or consociations frequently appear hesitant, divided, and often overwhelmingly opposed to conflict-regulating arrangements with “others” even when these appear mutually beneficial to a foreign mediator’s eye. Would a public referendum be useful in sealing and ratifying a settlement and, if so, how should such a referendum be designed, monitored, and implemented?

The Puzzle of Peace Referendums

Although multiple referendums have taken place over the past few decades in divided societies, with more being discussed (or proposed), there has been no systematic attempt to compare the causes, outcomes, and consequences of peace referendums. When and how referendums facilitate a specific mediation remains a puzzle, particularly as governments and political parties often

take ambivalent positions and people vote in directions that can be hard to predict (Oliver 1998; Leduc 2002). While conventional wisdom assumes that people should be consulted whenever they face important decisions, referendums could be divisive in emerging federations and consociations where decision rules are unclear, borders are disputed, and citizenship rights are contested (Horowitz 1993; Lijphart 2004). On the one hand, referendums could add credibility and durability to a negotiated settlement and, if successful, they could intimately engage a broader range of people in the peace process (McGarry and O'Leary 2009a). On the other, evidence from divided societies suggests that the merits of referendums cannot be overgeneralized, particularly as publics might also vote against negotiated agreements. As demonstrated elsewhere, federal consociational referendums have a mixed record; in the past decades, peace proposals in referendums won the support of Iraqi Kurds, Turkish Cypriots, and ethnic Macedonians but failed among Greek Cypriots, Bosnian Serbs, and Sunnis in Iraq, in the latter case with catastrophic consequences for the future of Iraq.

Also puzzling is how societies design referendums during federal and consociational transitions; interestingly each referendum covered in Table 7 demonstrates a different design, suggesting a variety of available, albeit understudied options for policy-makers and mediators. There is a potential mismatch between public attitudes and referendum processes. Certain options and designs could arguably maximize legitimacy and public support, but local actors and international mediators are often unaware of their advantages and disadvantages. While focused toward the Cyprus negotiations, Table 7 is particularly instructive for any conflict area considering a referendum in its peace processes.

As demonstrated above, successful referendums can be defining moments in the development of peace processes, bringing forward new political dynamics and acting as a litmus test of the capacity of a divided society to overcome deep divisions. Their effects can be decisive in legitimizing otherwise publically contested results of the peace process, including new federal borders, inclusive policing and security mechanisms or power-sharing arrangements which often deviate from the one-person one-vote formula to protect ethnic and religious minorities.

McGarry and O'Leary emphasize the need for peace agreements to be inclusive and for people to be consulted, if important institutional changes are likely to affect their daily lives and upset the balance of community relations. In the case of Northern Ireland, they note the durability of the Good

Table 7: Referendums in Power-Sharing Transitions

<i>Case study/ country</i>	<i>Theme</i>	<i>Eligibility to vote and electoral design</i>	<i>Supporters vs. opponents</i>	<i>Outcome</i>
Basque Country and Catalonia, October 25, 1979	<p>To approve or reject the draft statute of autonomy of the Basque Country and Catalonia, respectively, that would restore the autonomous regional governments.</p> <p>The question in the Basque Country was “Do you approve the draft Statute of Autonomy for the Basque Country?”</p> <p>The question in Catalonia was “Do you approve the draft Statute of Autonomy for Catalonia?”</p>	<p>Participation of residents of the two autonomous regions</p>	<p>In the Basque Country, the major regional-nationalist party, Basque Nationalist Party (PNV) supported the new Statute, while the main opposition came from the Rightists, fearing the disintegration of the Spanish territorial integrity and ETA pushing for secession. The two major issues of contention were the control of the police and the control of the Navarre province which was claimed as part of the Basque homeland. The assembly of Catalan members of Parliament established a commission (“Commission of Twenty”) that drafted the Statute and the major political parties supported it.</p>	<p>1979: Of the 1,541,775 Basque voters, 90,29% (832,105) voted “yes” (turnout was 59.,77%),</p> <p>In Catalonia, results were similar with a strong 88,5% “yes”³⁴ vote (2,322,355) (turnout was 59.70%).</p>
South Africa, March 17, 1992	<p>To endorse or reject President F. W. de Klerk’s reform policies to negotiate an end to white minority rule through talks with the black majority. The referendum asked, “Do you support continuation of the reform process which the State President began on February 2, 1990 and which is aimed at a new constitution through negotiation?”</p>	<p>Blacks were not allowed to participate in the ballot, nor were Indians or persons of mixed race. De Klerk said he would regard a “yes vote and a good yes majority” as granting him a mandate to sign “binding agreements” in constitutional talks. It would be “meaningless” to ask white voters to reauthorize such agreements unless the final settlement was substantially different from that currently envisaged by the National Party.</p>	<p>De Klerk had promised to resign and hold elections if his reforms failed to win a significant majority. He warned that a “no” vote would return South Africa to international isolation, ruin the economy and bring uncontrollable black revolt. Spearheading the campaign against the referendum was CP leader Treurnicht, nicknamed “Dr. No” for his unwavering opposition to political reform. The ANC appealed to its white members to vote “yes.”</p>	<p>Final results released March 18 showed that 1,924,186 million whites (68.6%) voted “yes” and 875,619 (31.2%) voted “no.” Of South Africa’s 3.28 million eligible white voters, 85% turned out for the ballot, one of the highest ever.</p>

<p>Canada October 26, 1992</p>	<p>To endorse or reject a constitutional reform package that sought to reconcile the conflicting interests of the country's provinces, territories and aboriginal peoples (status of Quebec as "distinct society"). Quebec would always be guaranteed at least 25% of the seats in the lower house. The question was framed as: "Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?"</p>	<p>The referendum was technically a nonbinding guide for the 10 provincial assemblies, each of whose approval was needed for formal ratification of the accord. A "No" vote in any one province, however, had been widely viewed as effectively killing the accord as currently formulated.</p>	<p>Western Canadians tended to oppose the accord because they did not favor concessions to Quebec, whereas Quebecers voted "No" because they thought the accord did not deliver enough rights to the French-speaking province. Many Canadians voted "No" to vent their anger against the political and business establishment in general and Progressive Conservative Party Prime Minister Brian Mulroney in particular.</p>	<p>Nationwide, the "No" side outpolled the "Yes," 54.4% to 44.6%, with 74.9% of eligible voters casting ballots. Metropolitan areas tended to line up behind the "Yes" side.</p>
<p>Bosnia August 27–28, 1994</p>	<p>A Serb only referendum to endorse or reject an international peace plan that would have given them control of 49% of Bosnia-Herzegovina and the Moslem-Croat federation control of the remaining 51%. The plan would have required the self-declared Bosnian Serb republic to give up about a third of the Bosnian territory it had won during the 28-month civil war.</p>	<p>Only Serbs voted in the areas controlled by Bosnian-Serbs during the war. It was designed specifically to demonstrate the strong reaction of the Bosnian Serbs to the international peace plan.</p>	<p>Top officials of the self-styled republic rejected the proposed plan. Radovan Karadzic, the Bosnian Serbs' leader, August 29 said, "We will ask for another map. We expect a new conference, new peace efforts." Serbian President Slobodan Milosevic had pressured the Bosnian Serb leadership to accept the plan and had broken ties with the Bosnian Serb republic.</p>	<p>About 90% of voters opposed the plan. Electoral officers refused to say how many people had voted. Figures difficult to verify as voting lists were virtually meaningless in war-ravaged region.</p>
<p>Northern Ireland and Republic of Ireland May 22, 1998</p>	<p>Under the agreement approved in May 22, 1998 a new local assembly was created to legislate many matters in the province. A North-South Ministerial Council brought together lawmakers from Northern Ireland and the Irish Republic to discuss matters of mutual interest, and a new Council of the Isles would encourage policy cooperation between the British and Irish governments. The Republic removed territorial claims from its constitution.</p>	<p>Separate referendums took place in the Republic of Ireland and Northern Ireland. In the latter, there was no requirement for double majority but majority support in both the Catholic and Protestant communities was considered crucial for the effective enactment of the planned governmental changes.</p>	<p>Most leading political figures in Britain and Ireland supported and hailed the strong support the peace plan garnered in the referenda. The Loyalist Volunteer Force (LVF), one of Northern Ireland's Protestant unionist paramilitary groups, May 15 declared a ceasefire. The same day, however, the group called on voters to reject the peace agreement in the upcoming referendum. From the main political leaders in the province only Rev. Ian D. Paisley kept the Democratic Unionist Party out of the talks and called his voters to reject the agreement.</p>	<p>In Northern Ireland, 676,966 voters, 71.1% of the total, backed the peace plan, while 274,879 (28.9%) opposed it. In the separate referendum in the Republic of Ireland 1,442,583 voters, 94.4% of the total, backed the agreement, and only 85,748 (5.6%) opposed it.</p>

Table 7: (continued)

Cyprus April 24, 2004	Under the UN plan, Greek and Turkish Cypriots would have each retained autonomy over most of their affairs under a loose federal system. Turkish Cypriot returned land in exchange for power-sharing. The question was “Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united?”	Voting rights were determined by the communities. Greek Cypriots voted in the south (including those living in the north—the “enclaved”) while Turkish Cypriots and settlers voted in the north. Turkish Cypriots living in the south were not allowed to vote in the north. For ratification a double majority was required by both communities.	Tassos Papadopoulos, Cypriot president, rejected the plan in a controversial televised speech on April 7, 2004. Turkish Cypriot president Rauf Denktas also opposed the plan, which he said would lead to Greek Cypriot dominance. Turkish Cypriot leader Mehmet Ali Talat backed the plan. Greek premier Costas Karamanlis endorsed the plan, reportedly after being pressed to do so by U.S. president Bush.	The plan was rejected by 76% of Greek Cypriots, while 65% of Turkish Cypriots voted in their own referendum to approve it. About 90% of 480,000 registered Greek Cypriot voters turned out, as did 75% of 143,000 Turkish Cypriot voters.
Iraq October 15, 2005	The new constitution called for a federalist system where Kurds and Shiites could form strong autonomous regions in the north and south, respectively, potentially isolating Sunnis in Iraq’s impoverished central regions.	Under Iraqi law, the constitution would have failed if a two-thirds majority in three of Iraq’s 18 provinces had voted against it. Though a majority of voters did reject the document in the provinces of Anbar, Salahuddin and Nineveh, the Nineveh vote was fairly close, with 55% voting “no” —a percentage that fell short of the two-thirds majority needed to defeat the constitution. The other two provinces rejected the charter by more than a two-thirds majority.	The vote was split along factional lines, with most of Iraq’s minority Sunni Arab population voting against the constitution, and the larger Shiite Muslim and ethnic Kurdish groups strongly backing it.	About 63% of Iraq’s 15.5 million registered voters participated in the referendum. The constitution was approved by 78.6% of voters, and rejected by 21.4%. Nevertheless, the vote was considered close since the constitution only narrowly escaped defeat in Nineveh.

Sources: Facts on File World News Digest, <http://www.2facts.com>; Economist Intelligence Unit, Country Reports; Lexis/Nexis & Factiva; interviews with policy-makers; Josif Kovras on Basque Country and Catalonia.

Friday Agreement. In their view, this results from its endorsement by majorities on both sides of the divide between Ulster Unionists and Irish Nationalists (2009a: 15–85). For the most part, paramilitaries in Northern Ireland have agreed to gradually disarm and, despite delays in the early phases of this process (commonly referred to as decommissioning), Northern Ireland has entered an era of unprecedented political and economic stability.

In societies with militant groups, democratic endorsement of peace processes could weaken support for violent actions. But this may require the gradual transformation of former rebel groups (or more broadly, the hardliners) into potential partners in negotiated settlements. If such groups win elections within their communities, they should be guaranteed inclusion in power-sharing arrangements. Peace referendums are more likely to be won if key actors participate in negotiations early enough, assuming local ownership and shared responsibility for a subsequent settlement. These include civil society actors, constitutional experts, and elected political leaders from both government and opposition parties. As argued earlier in the book, broad power-sharing such as the d'Hondt executive increases the negotiability of the settlement and its future durability. By contrast, peace referendums and the settlement itself could be problematic (even disastrous) if significant opposition groups are excluded from negotiations, particularly if these groups have the military capacity to undermine the peace process.

Successful Referendums

South Africa and Northern Ireland in particular provide two important cases for inspiration. Political elites as well as external mediators in Northern Ireland predicted that setting the stage for referendums could add durability to the peace process. Preceding the signing of the Good Friday Agreement, mediators talked about the triple lock, referring to the need for the agreement to be endorsed by Britain and Ireland, the leaders of the two communities, and the public in a referendum (Tonge 2000; Blair 2010). The 1998 Good Friday Agreement survived despite “Protestant alienation” and the gradual erosion of support among Ulster Unionists. Former hardliners managed to increase their support in the Unionist community, which had approved the agreement with a slim majority in 1998, but did so only after moderating their positions (Mitchell et al. 2009). As discussed earlier, the d'Hondt executive provisions could partly explain why Irish Republicans endorsed the agreement in the

first place, and why hardliners in the Unionist community first failed to derail it and then adjusted well to its major premises. The 1998 referendum also initiated this broad process of public consultation and inclusion. Overall, the Northern Irish experience suggests that peace processes are path-dependent events; referendums, in conjunction with inclusive power-sharing negotiations and institutions, play a key role in determining future outcomes.

Likewise, the “yes” vote in South Africa in 1992 added durability to post-apartheid South Africa, even though key demands of the white community for formal power-sharing were not included in the final constitutional settlement. De Klerk preempted his opponents and safeguarded his credibility throughout the negotiation process. Moreover, the popular endorsement of De Klerk’s policy added an element of responsibility to ANC elites, which later translated into including whites in the ANC and the governing structures of the country (Ross 2007: 257). In fact, even the successor of De Klerk’s party, the New National Party, was incorporated into the ANC in 2005, although the majority of white voters switched their allegiance to the Democratic Alliance, a historically anti-apartheid party that became the main opposition party (De Jager 2012).

Northern Ireland, South Africa, and other examples from around the world¹ provide useful lessons for other divided societies; voting for peace could help reverse hostile images of the past and transform the picture of the “other” in ethnic relations, opening the door for mutual accommodation. If successful, referendums can build trust and credible commitments across ethnic communities. For instance, in Cyprus, a strong “yes” on the “other side of the communal divide” could help convince undecided and suspicious voters that the “others” are serious about their commitment to implementing the settlement. Even if anti-solution parties come to power later on, referendums have a “long shadow,” making it very difficult for radicals to turn against the wishes of their own ingroup.

But successful referendums should be well prepared and timed to encourage a “yes” vote. For instance, the 1998 referendum on the contested issue of granting citizenship to Russian-speakers in Latvia took place years before the country’s accession to the EU (Morris 2003). The referendum also helped cement a long-term process of mutual integration, regardless of subsequent post-accession electoral outcomes. Evidently, promises and commitments to minorities or “others” are more credible if the commitment manifests itself in a referendum—an issue implied in the literature of credible commitments in ethnic relations (Fearon 1998). If a side in conflict widely

commits itself in a peace process through a referendum, it is more difficult for it to violently challenge an agreement.

Failed Referendums: Consequences of The “No” Vote

Obviously, the most critical issue is how people vote in a referendum. A “yes” vote means more credibility and durability for the peace process; a “no” vote means increased legitimacy for hardliners. Failed referendums could demoralize peacemakers and discourage future peace initiatives. Referendums offer opportunities not only for the moderates but also for hardliners to further entrench divisions among communities. In fact, hardliners may organize referendums without the support or consent of the international community simply to preempt international pressure and obstruct a compromise in its infancy. As shown in Table 7, in 1994, Bosnian Serbs under Radovan Karadzic organized a referendum in the territories under their military control to prevent a territorial compromise (see also Stefanovic forthcoming). About 90 percent of the voters opposed the proposed land concessions that, incidentally, a year later helped end the war in the Balkans.

Beyond Bosnia, the international community has supported referendums elsewhere with only partial support of leaders. As discussed earlier, in Cyprus during the abortive 2004 referendum, the Greek and Turkish Cypriot leaders did not commit themselves to the plan but accepted that a twin referendum would take place nonetheless. In the Turkish community, the moderates won, but in the areas controlled by the Republic, the Greek Cypriot leadership, with the exception of center-right DISY, urged people to vote “no,” effectively ending the peace process. The imminent danger with “internationally endorsed” referendums is that if such referendums fail, the international community must respect the outcome, since foreign mediators initiated the process. Moreover, if moderates lose a referendum vote, it becomes difficult to shape tactical alliances that would bring them back to power, especially if the “yes” parties lose electoral allies and their potential to form coalitions.

Even more problematic are cases where communities sharing a divided space vote in different directions. In Cyprus, for example, following the Annan Plan referendum, the Turkish Cypriot side emphasized its determination for peace by overwhelmingly voting for the 2004 Plan mediated by the UN and endorsed by the EU, Turkey, and Greece; therefore, Turkish Cypriot representatives insisted in negotiating within the Annan Plan framework

(Kaymak 2012). Meanwhile, Greek Cypriot leaders have argued that the Greek Cypriot side cannot redeliver in a future referendum provisions previously rejected by more than three fourths of the Greek Cypriot electorate (Kovras and Loizides 2012). Both sides are probably right, and so is the conclusion that referendums can cast a long shadow of opposition to the peace agreement if they fail. Thus, unlike Northern Ireland, where a referendum solidified support for an agreement, Cyprus demonstrates that failed referendums can have long-term path-dependent effects, preventing moderates from utilizing constructive ideas previously rejected in a popular referendum.

In other cases, elected leaders have agreed on a compromise but could not convince the public to accept it. As demonstrated in Table 7, in both Canada's 1992 Charlottetown Accord (stipulating Quebec's status as a "distinct society") and Guatemala's attempt to provide improved rights for indigenous populations, the governments failed to convince voters to support the proposed constitutional amendments (Carey 2004; Cameron and Simeon 2010). According to Cameron and Simeon, the Charlottetown Accord failed to win the support of the Canadian public even though all governments, most opposition parties, and Aboriginal leaders supported it. In other words "elite accommodation no longer worked" for the Canadian public (2010: 71).

This referendum outcome is theoretically even more puzzling as Canada has a long history of accommodating ethnic diversity. The failure of the referendums in 1992 came as a surprise to the government of Progressive Conservative Prime Minister Brian Mulroney, which had invested much of its political capital in the formation of an agreement on Quebec. According to Johnston et al., "the 1992 referendum opened a wound and guaranteed that the wound would stay open" (Johnston et al. 1996: 253). Canadian voters not only rejected a specific product of "elite bargaining," but as in Cyprus, severely constrained the prospects for a future consociational agreement.

Likewise, the "no" result in Guatemala in 1999 (see Table 7) and the Greek Cypriot community in 2004 surprised international mediators because, in both cases, people were perceived as voting against their own "best interests" (Carey 2004; Pericleous 2009). According to relevant surveys, elites played a less significant role in the referendum than imagined. For instance in Cyprus, although political party discipline played a role, it was Greek Cypriots' personal evaluation of the Plan that most affected voting behavior (Lordos 2006: 12).

Could People Vote “Yes?”

Referendums have been surprisingly successful elsewhere in places assumed to be facing deeper divisions than those in Canada. As stated above, in 1992, the same year as the Canadian referendum, white South Africans voted to move the peace process forward, despite the long history of racism and mistrust fostered by the apartheid regime. Often societies such as South Africa and Northern Ireland vote “yes” for peace out of a fear of renewed and reawakened violence (McGarry 1998b; McGarry and O’Leary 2009a) although admittedly not all do so. Unlike Cyprus, in both Northern Ireland and South Africa there was a widespread perception that a “no” vote would have major consequences leading to new waves of violence or international sanctions respectively. In South Africa international investors such as Volkswagen warned employees to vote “yes for their jobs and pensions” while General Tire announced “retrenchment of all employees and mothballing the complete plant . . . as a likely outcome of an unfavorable referendum result” (Prinsloo 1992: 3807).

But sanctions and fear of violence alone cannot explain popular acceptance of a peace process. Conflict-ridden areas often produce polarized constituencies and strong reactions to peace agreements, as in Israel/Palestine, Bosnia, and Iraq. The difference lies in the design of referendums and in combining democratic accountability with incentives that minimize the role of spoilers, an issue increasingly recognized as critical in peace processes (Stedman 1997: 5–53; Lee and MacGinty 2012). By extension, management of stakeholders is extremely important. This includes “unlikely peacemakers” such as political parties with diverse constituencies, victims’ groups, religious actors, and paramilitary organizations. The latter’s role in renouncing violence and doing so in a credible way is critical in any referendum campaign. To this end, Northern Ireland’s Good Friday Agreement included the release of Republican and Loyalist prisoners, aiming in return for the implicit support of their official representatives for the “yes campaign” (McGarry and O’Leary 2009a). Sinn Féin was also accommodated in inclusive power-sharing institutions and as shown in Chapter 3 the Northern Ireland Assembly was ‘oversized’ to 108 seats specifically to accommodate smaller loyalist parties.

Design Considerations

As all these examples suggest, timing and strategizing are extremely important in the design of a referendum. In fact, many of the advantages and disadvantages of referendums are both created and mitigated by institutional design. In a number of cases, referendums are obligatory through constitutional provisions involving peace processes or related constitutional amendments. For example, on the major issue of establishing the North and East as a single province in Sri Lanka, the 13th Amendment of the Constitution suggests ratification by referendum when circumstances permit (Edrisinha 2009). Unlike Sri Lanka, Cyprus does not have a constitutional requirement for a referendum, although it is considered a political requirement for a settlement. Even so, one might well ask why Greek Cypriots have not developed a more concrete legal framework to address a future referendum, despite their intense preoccupation with other legal dimensions of a settlement. On this point, Qvortrup claims that about 70 percent of countries around the world have provisions for holding referendums, with most European countries moving toward greater use of direct democracy (2002: 1).

Interestingly, the two most commonly cited models of consociationalism and federalism in Europe (shown earlier to have inspired Cypriot negotiators) tend to take opposite sides on referendums. Specifically, Switzerland relies heavily on direct democracy, while Belgium has eliminated referendums at the national level following the divisive experience of a 1950 plebiscite when a question on the return of King Leopold III bitterly divided the Flemish and Walloon areas of the country (Qvortrup 2002: 22). Likewise, the West Indies Federation collapsed peacefully in 1962 when the federal idea was defeated in a referendum in Jamaica despite substantial support from domestic political elites (Bermeo 2002). Scotland might vote for independence in the near future, if promises made in the 2014 referendum for a federal UK fail to materialize on time. The EU project might equally fail if subjected to parallel cross-country referendums; at the least, it would be severely constrained. Finally, federal or otherwise “divided societies” such as India, the United States, the Netherlands, and Israel have never called a nationwide referendum, although the Israeli Knesset has debated and often enacted laws requiring a referendum before implementation of peace agreements with Syrians and Palestinians (Qvortrup 2013; Hoyle 2010).

Elsewhere in divided societies, we find it an undisputed social norm that referendums should take place before ratification of a peace agreement. Such

norms are often shaped by constitutional provisions, past agreements, or historical legacies. For instance, in Kashmir an (unfulfilled) referendum was declared in 1947 by Nehru, indicating India's pledge "not only to the people of Kashmir but to the world" to hold a referendum under UN auspices. The aim was to determine whether Kashmiris would opt for India or Pakistan (Bose 2007: 169). Similarly, in Northern Ireland, a referendum was seen as necessary by both sides. Even in Cyprus, few politicians would initiate a public debate against a referendum and, ironically, most would refrain from identifying designs differing from those "imposed" by the Annan Plan drafters in 2004.

Where referendums take place, they become entrenched in people's minds and embedded in discussions of the future. Referendums are "habit forming"; once a referendum fails, the only legitimate way to address a settlement is through another referendum that clarifies public intentions (Butler and Ranney 1994). Political elites cannot proceed without the expressed endorsement of the public. This belief is broadly shared, even by those defeated in previous failed referendums in Cyprus, and it could freeze peace processes for years. Likewise, the experience of a "failed" referendum sets a bad precedent: the Annan plan experience has considerably decreased the possibility of mainstream Greek Cypriot political parties using this tool to address other issues. In Greece, George Papandreou's late announcement of a referendum has neutralized the use of the same institutional tool for the next few years.² Positive institutional legacies from the past may be just forgotten: for example, the most contentious aspects of the pre-1974 Greek politics was resolved by the 1975 referendum (Tridimas 2010), yet what comes to mind since the post-2008 sovereign debt crisis is Papandreou's unsuccessful call for a referendum in 2011 (a move annulled because of the perceived uncertainty it could have created for Greece and the Eurozone).

Moreover, Lijphart suggests there is a danger that referendums might serve as instruments of oppression against minorities (2004). For example, while the Swiss referendum law and the country's political culture protect established communities, similar protection mechanisms are absent for immigrants. The November 2009 referendum prohibiting the construction of minarets is one of the most disconcerting developments with regard to community rights in liberal democracies. Yet a similar vote targeting the Jewish community in the country dates back to 1897 and prohibits the slaughter of animals according to Kosher rites; in recent decades, attempts were made to prohibit imports of Kosher and Halal meat (Steiner 1998: 110).

These examples suggest the limitations for aspiring federations or con-sociations to consistently call on referendums as a systematic dispute-resolution mechanism. Chapter 3 presented a detailed proposal on the executive, which included a combination of presidential and parliamentary procedures in governance. Yet relying on referendums (as in Switzerland) as an additional layer in decision-making might not be the most conflict-mitigating arrangement. As this chapter and international experience suggest, the risks of referendums largely outweigh their potential advantages; therefore they should be embraced with caution even in places with decades-long public expectations for a referendum, as in the two communities in Cyprus.

Yet even in this case there are difficult questions of who is eligible to vote for what, how majorities are calculated in different units, and whether referendums have binding authority. The question of eligibility reflects the outcome of the federal transition itself. In fact, agreeing to a specific referendum option is a partial endorsement of the peace process and the rules of how a peace processes should be decided (Özersay 2007). For this reason, in referendums concerning the future of the Republic of Macedonia/FYROM and Bosnia in the former Yugoslavia, as well as in Northern Ireland in 1973, boycott campaigns were attempted by those opposing the design and timing of the referendum, adding to the polarization of ethnic communities (Babuna 2000; Bose 2007). Interviews in Cyprus also suggest that the main partner in the coalition government, AKEL, considered abstaining from the 2004 referendum to minimize the damage of the “no” vote.³

As with institutional mechanisms and innovation in general, the specifics of referendum design, timing, and participation are often contested for a variety of reasons. Even though the cases of Cyprus and Northern Ireland are frequently compared in the conflict studies literature, their peace referendum designs are quite different. In Cyprus the endorsement of the Annan Plan required simultaneous majorities from both the Turkish and Greek Cypriot sides; in Northern Ireland there was no formal provision for concurrent Unionist and Nationalist majorities. As for kin states, there were no provisions for referendums in the UK or Greece, but the Annan Plan required ratification by the Turkish Parliament. In Northern Ireland, a referendum took place in the Republic of Ireland but not in Great Britain. In Northern Ireland there was no requirement for a double majority support in both communities, and it would have been unthinkable to divide voters into separate community polls on the basis of religion or political affiliation (Oliver 2009).

Yet majority support was implicitly crucial for enactment of the planned changes, given the nature of the inclusive d'Hondt power-sharing executive. There were fears that a weak Protestant vote would lead to executive deadlocks, particularly given the opposition of the DUP to the agreement.

What made referendum design less contentious in Northern Ireland is the absence of contested citizenship practices. In contrast, in many cases around the world, referendums could handicap the peace process because of the presence of recent settlers. In Western Sahara, Cyprus, Sri Lanka, New Caledonia, and Kashmir, to name only a few, if newcomers (settlers/immigrants) become eligible to vote in a referendum, they could even determine the final status or nature of the peace process (Loizides 2011). Experts have raised similar concerns in the case of many former Soviet states, where “the recency of the Slavic immigration compounds the illegitimacy of the settlers’ claims” (Horowitz 1993: 24). Settler voting might be legitimized by the needs of the peace processes, but it is against the letter of international law and often in direct conflict with the wishes of indigenous voters. On a related case, the UN General Assembly decided that as a settler colony, Gibraltar should not be allowed self-determination even if people vote for it (UN General Assembly 2009).

Surprisingly, in Cyprus, the UN with the tacit acceptance of the otherwise legally minded Greek Cypriot leaders allowed “TRNC” citizens of Turkish settler background to vote in the 2004 referendum (Sözen and Özersay 2007). An explanation for this puzzling development is that Greek Cypriot hardliners saw an opportunity to use referendums to derail the 2002–2004 peace process. By voting “no,” the Papadopoulos government demonstrated vividly, albeit unwittingly, that the Greek Cypriot side was causing the protracted Cypriot deadlock, thereby losing the international sympathy which Greek Cypriots enjoyed since 1974. As Table 7 demonstrates, the only other recent comparable case where an ethnic community organized an anti-peace referendum to telegraph its intransigence is Bosnian Serbs under Radovan Karadzic in 1994.

An additional design issue concerns the rights of constituent people or federal units and whether each has a right to veto an agreement. In Canada, the Charlottetown referendum was a nonbinding guide for the ten provincial assemblies. Just as Irish voters alone could prevent the ratification of the EU Lisbon treaty, a “no” vote in any one of the Canadian provinces could derail the Accord.⁴ This design privileged each federal unit but deprived, for example, the First Nations of a formal veto role.

Similar issues were raised about the design of the referendum on the constitution in Iraq. Under Iraqi law, the constitution would have failed if a two-thirds majority in three of Iraq's 18 provinces voted against it. Though a majority of voters rejected the constitutional proposal in the three largely Sunni provinces of Anbar, Salahuddin, and Nineveh, the latter vote was fairly close, with 55 percent voting "no"—a percentage that fell short of the two-thirds veto majority required. The other two Sunni provinces rejected the charter by more than a two-thirds majority but this was not enough to derail the constitutional approval (see Table 7). The referendum eliminated the need for comprehensive cross-community support by following a format that failed to prevent polarization across sectarian lines. The absence of explicit consociational principles in the design of the Iraqi referendum meant a Sunni "yes" vote was not a requirement in deciding the constitutional future of the country (Feldman and Martinez 2006). Unsurprisingly, the provinces that voted "no" in the referendum have been the breeding grounds for the rise of Islamic State in the following years.

Options for (Non)Referendums

Elsewhere as in postwar Bosnia following the Dayton Accords, the international community has opted for less risky options taking into consideration the drawbacks and risks of referendums. The reason for the international community's reluctance to directly engage the public was simply the certainty of being outvoted. As demonstrated above, in a previous Serb-only referendum, about 90 percent of voters opposed arrangements later reflected in the Dayton Accords. Here, the international community prioritized the urgent need to pacify Bosnia, leaving democratic legitimization for a later stage.

If peacemakers are right about the benefits of peace agreements, sooner or later, the public will rally behind a negotiated settlement. In post-Dayton Bosnia, for instance, low levels of violence and the partial return of refugees have added an element of legitimization to the agreement (Belloni 2008). Leaders, elected governments or parliaments could also ratify agreements: silent elite pacts could be a better alternative than noisy, destabilizing referendums. This is not politically feasible elsewhere for instance in Cyprus. Luckily, the island does not face immediate violence or the possibility of renewed conflict; federalism and consociationalism have to win the hearts and minds of Cypriots on their own, not as an alternative to war and violent conflict.

Should fear of secession and violence prevent referendums? Even in the successful cases of Northern Ireland and South Africa, marginal groups opposed the peace process or tried to scare moderate voters. According to the *New York Times*, in the weeks leading up to the 1992 South Africa referendum, more than 220 blacks were slain in township violence (Wren 1992). Similarly, in Northern Ireland, both Loyalist and Republican dissident groups participated in violent attacks months before the signing of the Good Friday Agreement. In the 1999 referendum in East Timor, the UN administration has been criticized for organizing a premature referendum while failing to guarantee the security of the voters, leading to widespread massacres against innocent civilians (Paris 2004: 219). Since any compromise will meet with some opposition, it is important to distinguish violent opposition by small and marginalized groups from the opposition of established popular movements or organized militaries. In Cyprus, even during the contentious 2004 referendum, there was no major direct violence. For the most part, the “no” camp in both communities has reacted in a polemical yet nonviolent manner, but if a future referendum seems likely to succeed, hardliners might resort to scare tactics.

If referendums include such political risks, it is important to understand why leaders opt for them in the first place. Reasons could vary depending on the local context. The value-added of peace referendums is that they offer a clear mandate, stronger than opting for a moderate leader in elections as demonstrated in the 1990s in Sri Lanka and Israel/Palestine or more recently in Georgia and Colombia. De Klerk suggests in his autobiography that he rejected an election on a constituent basis because it would not give the same weight to every vote and because in elections all sorts of matters such as unemployment and the state of the economy influence voters’ decisions (1999: 232). In theory, direct democratic processes such as referendums can delink peace processes from other internal priorities such as the state of the economy. People could vote on the basis of their preference for a peace settlement, setting aside domestic politics and party sympathies. Yet a number of cases suggest that this delinkage might not always be possible. For instance, as Table 7 suggests, many Canadians voted “no” in the 1992 referendum to vent their anger at the political and business establishment of the country generally and at Prime Minister Mulroney specifically (see also the defeat of Jacques Chirac in the 2005 European constitution referendum in France).

Moreover, practitioners emphasize that hidden agendas and party politics are important and can dominate other nonpartisan interests. As the

Greek and Guatemalan examples below demonstrate this is more common in referendums than elections. According to Manfredo Marroquín, a political analyst in Guatemala, the ruling Partido de Avanzada Nacional (PAN) publicly supported reforms to please the international community but called on its party to vote “no.”⁵ Likewise, former Greek prime minister Costas Karamanlis supported the Annan Plan but did very little to promote it among Greek Cypriots for fear of damaging his relationship with the conservative grassroots of his party. And in Northern Ireland, the pro-peace Ulster Unionist Party (UUP) did not fight for a whole-scale referendum campaign. Even though the party supported the agreement, few senior politicians actively participated in the “yes” campaign, with the exception of David Trimble, and he lacked the charisma to appeal to the masses (Kane 2009).

In the absence of active party politics, campaigning particularly in the Unionist community was taken over by civil society organizations, what anthropologist Dominic Bryan calls “the respected establishment of Northern Ireland” (2009). On this issue, what makes Northern Ireland and South Africa exceptional is that significant civil society actors supported the ‘yes’ campaign. In both cases a remarkable prior transformation took place in the business community, relatives of victims’ associations, women’s groups and even among church leaders with linkages to transnational peace networks, notably the ecumenical movement (Sandal 2011). Civil society initiatives of comparable strength are missing in Cyprus, particularly among the Greek Cypriots.

In addition, both Northern Ireland and South Africa benefited immensely from polling during the mediation process; according to leading South African academic pollster Robert Mattes, 23 different indigenous organizations initiated or commissioned surveys about the relative strengths of the contending political parties and leaders between 1990 and 1994 (forthcoming). More important, opinion polls helped De Klerk and his advisors calculate their risk, target specific constituencies and frame the question in the referendum (Mattes 2012). But in Cyprus, negotiations for the Annan Plan have taken place behind closed doors, without polling people’s preferences. As mentioned in previous chapters, the Cyprus2015 and other polling initiatives (see for instance Lordos et al. 2009) have introduced a positive step in public consultation. However, Cypriot leaders have refrained from broadening the negotiations and in particular have refused to include opposition parties or civil society actors in the mediation. In the meantime, the public appear to have lost hope as to a future settlement (Cyprus2015 2012). As a common

response to the lack of consultation, leaders point out that the two communities will eventually be asked to ratify the agreement in a referendum; this unintentional effect of direct democracy could be simply termed the *moral hazard* effect of peace referendums.

Informal Mandate Referendums

Taking into consideration the problematic nature of referendums, on the one hand and the fact that Cypriot leaders have committed themselves to a future referendum, on the other, the book proposes a South African style early mandate referendum as a potentially promising and transferable alternative. The idea is simply to put before the people not the complex provisions of a constitution as in the Annan Plan but general guiding principles that are more easily perceptible. In a mandate referendum, a leader presents a general idea or a framework of a peace arrangement to the public and asks his or her community for a conditional or unconditional mandate to finalize the agreement. By authorizing leaders to finalize a compromise, they could maximize both democratic legitimization and credibility in negotiations. In fact, mandate referendums strengthen the position of conciliatory leaders and offer alternative institutional arrangements that could solve many of the problems raised above.

The South African white-only referendum of 1992 is an example. Given its apartheid origins, it has received little attention from political scientists⁶ and its transferability to other settings has not been debated, even though it legitimized and facilitated the end of one of the most repressive regimes in the twentieth century. As mentioned above, the referendum was triggered by the Potchefstroom by-election, which led to the defeat of the National Party and questioned De Klerk's authority as chief negotiator (Butler and Ranney 1994: 9). Challenged by his opponents, particularly the Conservative Party, De Klerk asked voters to reject or endorse his reform policies to negotiate an end to white minority rule through talks with the black majority. Rather than presenting a final settlement, the referendum asked voters whether they supported the reform process and a new constitution. The referendum took place in the context of the apartheid regime but De Klerk's justification for limiting the vote to white electorate was that they were the ones divided on the necessity of constitutional transformation (De Klerk 1999: 232). De Klerk said he would regard majority support as granting him a mandate to sign

“binding agreements” in constitutional talks. What makes the South African case particularly interesting is that De Klerk said it would be “meaningless” to ask white voters to reauthorize such agreements unless the final settlement was substantially different from that envisaged by his party (see Table 7).

De Klerk linked the referendum with his own personal fate and political future. He promised to resign and hold elections if his reforms failed to win a significant majority. His threat targeted, on the one hand, the South African moderates and businesses leadership who feared a return to international isolation and black revolt and, on the other hand, the ANC leadership who informally rallied behind his campaign.⁷ Blacks were not invited to participate in the ballot, nor were Indians or persons of mixed race; nonetheless, De Klerk skillfully won Mandela’s discreet agreement (Butler and Ranney 1994: 9).

In Cyprus winning the implicit support of the other side during the simultaneous referendums proved impossible, as leaders aimed exclusively at convincing their own communities, often using arguments boosting their own gains and influencing moderates negatively across the divide. For instance, once Turkish prime minister Recep Tayyip Erdoğan appeared in front of the media “celebrating the agreement,” Greeks and Greek Cypriots shifted their attention to the negatives of the Annan Plan (Anastasiou 2008). The same dilemmas apply for international mediators having to justify positions that harm campaign efforts in one of the two communities participating in a peace process.

Yet the multiple advantages inherent to De Klerk-type referendums could inform Cyprus and potentially other divided societies. First, they are less risky; if politicians lose the mandate, they could opt to step down without sacrificing the essence of the peace process during critical moments. Second, they allow communities to prepare themselves for peace negotiations. Pre-referendums can provide leaders feedback and priorities to be addressed in finalizing an agreement. Assigning a mandate to an elected leader balances democratic accountability with pragmatism in the negotiations. De Klerk could negotiate a credible end to apartheid without fearing a risky referendum at the end of the process. As his advisors and third experts point out, the mandate referendum allowed De Klerk to take *calculated* risks rather than face a volatile and uncertain future (de Villiers 2012; Mattes 2012; Steward 2012).

More important, the referendum proved to be catalyst itself in the negotiation process. It prevented the outflanking of De Klerk by the country’s

dominant security forces or the growing power of the Conservatives. In this way, De Klerk preempted ethnic outbidding, safeguarding the peace process from the unavoidable reversals in public opinion common to most peace processes. In the words of a National Party member of the South African House of Assembly, what could have been “a triumphant march” for hardliners and the Conservative Party “turned into their funeral procession” (Jordaan 1992: 1968).

Pre-referendums also improve leaders’ negotiating strategies and chances of reaching a settlement. By providing certainty, they allow disputing sides to demand (and receive) more concessions at the negotiating table. In addition, while a successful informal referendum will have positive effects, a failed referendum is limited in its consequences, because no formal international bodies are involved in the process. This of course could not apply to referendums encouraged by the UN or imposed by other external actors.

Finally, internal referendums frequently target only one of many communities involved in a conflict. It is often much easier to have one community rather than multiple players agree to hold a referendum. A critique of the EU in Cyprus is that accession was already secured for the island by the time of the referendum; therefore, Greek Cypriots had no immediate incentive to vote “yes.” A counterfactual might be useful in realizing the importance of mandate community-specific referendums. Had the EU required Greek Cypriots to vote alone earlier to endorse a peace framework for the entire island (when Turkish Cypriots and Turkey were refusing to do so), a compromise could have been possible. Critics of Greek Cypriots often cite the community change of mind in the 2003–2004 period; the truth, though, is that many of those involved in the mediation at the time ignored the suggestion of providing the Clerides administration the option of unilaterally endorsing an improved version of the Annan Plan in late 2002 (Loizides 2003a, b).

As the above examples make clear, linkage strategies allow politicians with public credibility to mobilize support, even among constituencies hesitant about settlement. Alternatively, however, referendum processes could delink sensitive issues from the broader political agenda. For instance, plans for a settlement in the Nagorno-Karabakh conflict have focused on internally displaced persons, proposing the participation of only IDPs in a referendum for the future status of the disputed territory (Johansson 2009). Referendums in Uruguay (2009) and Turkey (2010) focused on a single issue, namely that of revoking amnesty for crimes committed during the countries’ respective dictatorships. And in the case of the monarchy referendum in post-1974

Greece, the issue of the monarchy was delinked from the broader post-civil war conflict to allow the public to bring closure to a controversial and contentious issue (Tridimas 2010). Voters in Cyprus and other divided societies could take a similar route to settlement, focusing on specific issues and splitting peace negotiations into smaller, more easily resolved components. The following chapter will examine this idea of gradual mediation more closely.

Conclusion

Comparing and contrasting referendums in divided societies could provide general guidance for policy-makers in Cyprus. The chapter stresses here that no model is undeniably “better” than its alternatives without significant qualifications as to the context of each case. The chapter summarizes a number of alternative designs, noting their likelihood of success in emerging federations and consociations. It connects the design and timing of referendums to unexpected outcomes and suggests how to stimulate positive public engagement in peace processes to forestall failure.

Referendums have many advantages. They can create cross-cutting links transcending ethnic and communal boundaries and even shape a shared political vision of the future among peacemakers. And even if popular support for a settlement diminishes, as in Northern Ireland and South Africa, prior endorsement of a settlement in a referendum could sustain the settlement. In other words, successful peace referendums extend into the future and add legitimacy and commitment to a settlement over a longer period than in elections.

At the same time, referendums can inflame situations in conflict-prone societies. They entail political risks for incumbent leaders and can further divide constituencies internally. If leaders in any of the new or old flashpoints in the Middle East or the Balkans and beyond endorse a peace plan to settle an issue, it might be “unnecessary” to risk its implementation, especially given the weaknesses of democratic processes in many postconflict societies.

Aspiring federations could learn from this chapter that each referendum might require a unique design, if it is to accomplish its purpose for legitimacy and public support; in other words, the context is key. In the case of Bosnia, no referendum followed Dayton, but the agreement worked relatively well, and unlike other comparable cases, it enabled the end of violence and massive return of displaced persons and refugees. But in Iraq, bloodshed

followed a successful referendum ratifying a new federal constitution. The cases of Northern Ireland and South Africa but not Canada (1992) and Guatemala (1998) suggest that referendums can play a positive role; in the latter, referendums left issues unresolved and even led to the possibility of secession and renewed conflict. Finally, South Africa and Northern Ireland offer models that have been ignored in relevant studies.

The chapter reaches two important conclusions for policy-makers. These could apply to Cyprus but also other cases of power-sharing transitions. First, referendums could be avoided if there are already strong indications on the ground that at least one main ethnic group might resort to violence in an attempt to express its dissatisfaction with the referendum announcement or its specific design provisions. A referendum overwhelmingly opposed by a substantial minority will violate the core logic of consociational democracy and therefore fail to promote a peace settlement leading to violence. Second, even well-intentioned referendums might fail due to timing, design, and other considerations. If circumventing potentially risky referendums is not possible, parties in peace mediations might use “least destructive” designs such as mandate referendums aiming for the ripe moment to catalyze a successful outcome in a peace process.

As discussed earlier, the Anastasiades-Eroğlu joint statement in February 2014 included as one of its provisions that the “leaders will aim to reach a settlement as soon as possible, and hold separate simultaneous referenda thereafter.” Were the leaders right to make prior commitments to a referendum in their joint statement? As stated earlier, referendums are generally seen as habit-forming and the belief that there should have been separate simultaneous referendums has already been broadly shared across the political spectrum, even by those defeated in 2004. Although there are multiple benefits for De Klerk-style mandate referendums in general, this option might be very difficult to be implemented as such in Cyprus because the public have already assumed they are entitled to the final decision. In essence, the joint statement confirmed what was already the general expectation. On the one hand, the positive side of this statement is that it provides an early roadmap on what to expect and how to prepare for it. On the other, these prior provisions for referendums maintain counter-incentives for leaders not to proceed forcibly with negotiations, an issue that became more evident in Cyprus by late 2014. Many Greek Cypriots feel that a second failed referendum on their side will lead to permanent partition of Cyprus. This might prevent the Greek Cypriot leadership from making decisive steps in the process in the first

place, as moderate Greek Cypriots might not wish to “risk their last chance.” This drawback can be addressed, however, if current and future mediators plan early for alternative post-failed referendum scenarios to continue negotiations even under the least desirable outcome of a new stalemate. Another problem already seen in each round of renewed negotiations in Cyprus is that hardliners start their anti-deal campaigns early while moderates focus primarily on the negotiations. Thus the former may have a definite advantage during the process as their time and energy will be devoted in convincing the public to reject a new peace settlement.

The chapter also demonstrated additional pitfalls of referendums with regard to leadership, such as the moral hazard effect of not consulting the public in the period prior to the referendum.

Overall, Chapter 5 highlights the broader relevance of referendum designs for negotiated settlements in divided societies not just Cyprus. With regard to the latter, one way to address some of the potential side effects of the joint statement is to revisit mandate referendum options. But unlike South Africa, where white voters were asked to give more or less a blank check to De Klerk, in Cyprus leaders could finalize and endorse the agreement and then ask for a mandate to sign its final form following another short round of post-referendum negotiations for minor mutually agreed amendments. For one option, this a mutually beneficial strategy in negotiations strongly recommended by theorists and practitioners of negotiation theory (Raiffa et al. 2002). For another a short round of renegotiation, will also address some of legitimate concerns of the public that could inevitably emerge as well misinformation common in referendum campaigns.

Chapter 6

“Stalemate Theory”: A Humanitarian Breakthrough in Cyprus

The “frozen conflict” of Cyprus can tell us a theoretically informative story about stalemates and prolonged deadlocks in deeply divided societies. This chapter compares the options of comprehensive and gradualist approaches to peacemaking in Cyprus and offers an alternative conceptual framework for negotiating peace in divided societies. I argue that successfully addressed conflicts, previously seen as “stalemated,” can be particularly enlightening in addressing intractability. In particular, this chapter attempts to challenge and amend Zartman’s (1985, 2000) concepts of ripeness and “ripe moments.” As one of the most prominent paradigms in peace and conflict studies, “ripeness” emphasizes primarily critical times and opportunities when it is most appropriate to take action in contested peace processes.

In its place, this chapter proposes a more gradual process aiming to take advantage of ostensibly less promising times in peace talks. More specifically, it argues for the effective use of dormant moments in peace negotiations, introducing a novel conceptual framework defined as “stalemate theory.” The chapter applies the theory to various examples from Cyprus, focusing in particular on two contrasting cases. First, it emphasizes among other cases the relatively successful example of the Committee for Missing Persons (CMP). Based also on earlier co-authored work (Kovras and Loizides 2011, 2012), it demonstrates how the CMP was reactivated under prohibitive conditions following the collapse of the Annan Plan in 2004. It then considers why a similar gradual approach has not been implemented in a comparable humanitarian issue involving the Greek Cypriot deserted suburb of Varosha in the city of Famagusta.

As discussed in previous chapters, until now, efforts to resolve the Cyprus problem have failed, despite external incentives, involvement of international organizations and the island's own emerging peace culture. The 2002–2004 peace process was a turning point, albeit with high expectations, failing to deliver the promised outcome at the time of Cypriot accession to the European Union. Conventional wisdom would assume that the next opportunity to confront the Cypriot stalemate would appear after the Greek Cypriot side enters a period of economic recovery or around the time of Turkey's own accession to the EU (see also Chapter 7). This line of reasoning emphasizes ripe moments and the role of external players in determining reunification politics in Cyprus, assuming, of course, that EU accession would still be a priority in Turkey in the near future. Unavoidably, the growing pessimism on whether Turkey will be eventually admitted to the EU is implicitly reflected in the renewed peace talks in Cyprus. All things equal, Turkey is expected to be "less enthusiastic" in endorsing concessions in Cyprus before securing an element of certainty with regard to its own accession to the EU.

For these reasons, substantial periods of time have been described as dormant, even "dead" time in the ongoing attempts to mediate a peace settlement in Cyprus—as well as other frozen or protracted conflicts around the world, including Moldova (Transnistria), Georgia (Abkhazia and South Ossetia), and Azerbaijan (Nagorno-Karabakh). The book questions this reasoning and offers a broader theoretical rationale for exploiting less favorable times in peace talks, not only in the Cyprus conflict, but also in mediation and negotiation studies more broadly.

Optimism in pre-2015 Cyprus meant swimming against the current. Simply stated, the Cypriot experience itself suggests that those who did so in the past have often challenged the logic of partition, arguably with relative success. Cyprus features a number of positive stories in peace mediation that demonstrate how societies can choose to mitigate even the most difficult aspects of their territorial division. Admittedly, complete reversals of contested partitions have been rare, difficult, and inundated with unintentional consequences (Lustick 1997; Sambanis 2000; O'Leary 2007). However, countering conventional wisdom, progressive peace actors in the island have taken brave steps toward conflict transformation in the past four decades.

For instance, even in the immediate aftermath of the Turkish invasion in 1974, the mayors of Nicosia devised a plan to address the city's most difficult sewerage and drainage problems, effectively "reuniting the underground" of Nicosia City (Papadakis 2005: 167–68). Although the projects had been

envisioned before the division, in 1979 the two municipalities introduced a set of informal but practical arrangements for the shared sewerage and drainage system. During this process they also found out that a Master Plan for Nicosia as a whole was not only inevitable but also possible due to the close working relationship of the two mayors, Lellos Demetriades and Mustafa Akıncı (Hadjri 2008). The mayors relied not only on their undeniable charisma but also on expert advice to alert the public of the imminent dangers of an acute environmental crisis in their backyards, if bicommunal cooperation was once more derailed.¹

These steps, however, did not allow ordinary citizens from the two sides to communicate more freely at the time. In fact, as mentioned earlier, the line dividing Cyprus remained hermetically sealed until April 2003, with very little unmonitored movement of people across the island’s militarized checkpoints. Yet Turkish Cypriot protest culture gradually began to emerge since the 1990s, challenging official partitionist discourse. The *Bu Memleket Bizim* (this homeland is ours) movement succeeded in mobilizing Turkish Cypriots for peace in 2002–2004.² Thousands of people in the streets demanded an end to Turkish Cypriot isolation and for accession to the EU (with the Greek Cypriots), and objected to Turkey’s interference in their domestic affairs (Hatay and Bryant 2008; Vural 2012; Navaro-Yashin 2012). The *Bu Memleket Bizim* movement suggests that while institutional design matters, there are often important social dynamics behind institutional change, as indicated in the example of grassroots mobilization for recovery of the missing persons.³ The movement also contributed to the peaceful opening of the checkpoints in 2003, to the election of moderate leaders from the Turkish Cypriot left, and, more important, to an impressive “yes” vote in the 2004 Annan Plan referendum.

While Greek Cypriots failed to ratify the Plan, “success” stories began to emerge even in the aftermath of the failed peace process. The Democratic Rally (DISY) had been the only major Greek Cypriot party to endorse the Plan, despite the fact that it partly draws its origins from the Greek Cypriot ethnonationalist tradition and the anticolonial *enosis* (union) movement that attempted to unite Cyprus with Greece in 1955–1959 (Sandal and Loizides 2013). The Rally itself swam against the current and risked its party unity by supporting the 2004 Annan Plan. Even more interestingly, it devised a set of successful electoral strategies to defend the party’s “logic of pragmatism” that surprisingly increased its popular support among voters, making the Rally the largest political force in the island leading to the election of its leader to the presidency in 2013 (Moore et al. 2014).

On an even smaller scale, the Maronite community of Cyprus has achieved an important concession by regaining limited but effective access to its historic village of Kormakitis, despite decades of forced displacement. Studies of the Cyprus problem have often ignored smaller indigenous communities in the island, such as the Cypriot Maronites, Latins, and Armenians. There are around 6,000 Cypriot Maronites descending from eighth-century migrants/refugees from today's Syria and Lebanon (Hourani 1998; Varnavas 2002). All four ancestral Maronite villages, Agia Marina, Asomatos, Karpashia, and Kormakitis, are located in the northern part of the island, with their native populations largely displaced. Maronites faced multiple problems in returning to their habitual residencies, including delays in implementation of resettlement laws, destroyed properties, and military restrictions in entering two of their villages.

Yet despite the protracted stalemate in the bicommunal negotiations, the overwhelming majority of Cypriot Maronites managed to rebuild their homes in Kormakitis for permanent or temporary accommodation by 2007. The return process followed a promise by Serdar Denktaş permitting Maronites to resettle to northern Cyprus, formally ratified in 2006 (Leonidou 2006). The success of Maronite mobilization could be primarily attributed to the strength of its community organizations during displacement. Cypriot Maronites retained their own churches, schools, sports teams, and networks of business groups. Maronite civic organizations have been crucial in the return process by lobbying the Vatican and "Catholic" governments to pressure Turkey and Turkish Cypriot authorities to allow and facilitate return. Maronite associations have also built close ties with Turkish Cypriot politicians across the political spectrum and put positive pressure on fellow community members to join the return process by sharing information and logistical support (Stefanovic and Loizides 2011).

These different but interrelated examples highlight the context under which actors in societies make a choice of peace that could catalyze and sustain stable power-sharing arrangements. An even more interesting example is the Committee for Missing Persons (CMP) in Cyprus, which has emerged as the most successful bicommunal project since 2004 (Sant Cassia 2005; Bozkurt and Yakinthou 2012; Kovras 2013). CMP mediation is critical for the study of Cyprus and peace processes in general, not only because of the difficulties associated with addressing an emotionally sensitive issue but because an agreement was reached roughly after the failure of the Annan Plan settlement (Kovras 2008, 2013). The institutional innovations in mediating the

CMP stand in stark contrast to the failure of Greek and Turkish Cypriot leaders to reach agreements on other humanitarian issues, including the uninhabited suburb of Varosha, leading to its gradual environmental destruction. In both cases there have been cycles of ripe and unripe moments for conflict resolution, but so far only in one case was a solution found. The reason for success lies in the innovative use of institutional design in dormant time following the derailment of a peace process.

Defining Dormant Time

“Dormant time” in a peace process could be defined as the period when it is least likely to reach a settlement in a given negotiation. Protracted conflicts and frozen moments have generally received little attention from scholars (for exceptions, see Azar 1985; Lederach 1995; Bahcheli et al. 2004). More important, very few studies have attempted to identify proper mediation formulas that use such periods constructively. This chapter highlights that appropriate use of “dormant times” (which tend to be plentiful) can result in better time management and multitasking in intercommunal peace talks.

By extension, strategy and institutional design are at least as important as the structural determinants of peace processes. On the one hand, Zartman’s (1985, 2000) emphasis on ripeness and proper timing in negotiations should not be underestimated in the broader picture. Ripe moments are certainly the most critical factor in peace processes, especially when mutually destructive stalemates or attractive external opportunities create the momentum necessary to resolve a dispute. On the other, I demonstrate that opportunities can be found in less critical moments as well. This framework could be particularly relevant if important actors face competitive elections or if international incentives and sanctions appear weak. Can sides in a given mediation adjust their negotiating strategies accordingly to offset these structural weaknesses?

The answer is yes. In a nutshell, during these “dormant periods” international diplomacy could focus on the following steps. First, mediations could preserve progress already made in previous negotiation rounds. Second, they could introduce novel ideas likely to be resisted in the short term but already tested successfully elsewhere. Risky and assertive experimentation during ripe moments is less likely, as time pressure constrains mediators and conflict sides into more cautious approaches in mediation. Third, mediators could

identify new areas of policy innovation based, for instance, on institutional innovation combined with technological breakthroughs, as suggested below with regard to DNA identification for missing persons. Finally, mediators might attempt to investigate potential areas where one side might make unilateral concessions at an earlier stage in the mediation hoping that the other will be encouraged to reciprocate in the future.

Another related argument to be raised is the fact a divided society being in a “frozen status” for a long period of time might well provide fertile ground for solution (of specific problems), precisely because the background conditions might suddenly change. The passage of time, for example, brings change in attitudes toward the “other” (although admittedly not always positive). For example, since 1974 a new generation of Cypriots has grown up without direct experience of violence (Bryant 2010). Moreover, when external mediators face intransigent positions by leaders whose popularity is already declining, the international community could bypass total spoilers by directly engaging the grassroots. The role of emerging grassroots actors is important in changing the framing of a particular problem. Unilateral grassroots gestures of goodwill could arguably empower such actors by constructively and credibly engaging the “other” side.

Finally, as stated in the previous chapter, mediators could use dormant time to test the grounds for a renewed effort toward a comprehensive settlement. Early ratification processes, particularly the possibility of winning early public mandates for a renewed round of peace talks through elections or peace referendums, could be critical particularly if a future ripe-moment is conceivable. For instance, if the assumption in the Cypriot peace process is that Turkey’s EU accession will catalyze future peace talks in Cyprus, a broader conceptual framework in negotiations would consider what should be done in the meantime to prepare the two sides for the “Cypriot-Turkey endgame.” To make this possible, sides might engage with mini-package (gradual) deals to mitigate conflict and catalyze a comprehensive peace agreement at a later stage. As will be shown below, despite the difficulties associated with a “frozen conflict,” successful accommodation of human rights might be possible, benefiting the lives of thousands of relatives of victims, even though admittedly it might not catalyze an overall breakthrough in comprehensive negotiations. Nonetheless, the experience of the CMP is particularly puzzling and instructive in theorizing “stalemate moments.”

The Committee for Missing Persons

The Committee for Missing Persons (CMP) was established in 1981 but remained inactive for almost twenty-three years. Its reactivation in 2004 has been described as the most successful bicomunal project following Cyprus EU accession (Sant Cassia 2005, 2006; Kaymak 2007; Kovras 2008). This stands in sharp contrast to other failed steps initially envisioned to incentivize the Cypriot peace process, such as Famagusta, discussed at greater length below (see also proposals by Cyprus Academic Dialogue 2012). Despite the political deadlock in 2004, the CMP resumed its activities in the same year contributing to the exhumation of 941 human remains by April 2013 (CMP 2013).

The CMP has been generally described as a success story for other protracted conflicts (Jaquemet 2009; Kovras 2012), while in 2011 the Elders including South Africa’s Desmond Tutu visited the island to film a documentary “about the Committee’s valuable work.”⁴ At the initial stages the CMP relied on the Argentine Forensic Anthropology Team (EAAF), which was selected to design and coordinate the archaeological and anthropological phases of the project. EAAF was established in 1984 to investigate the cases of at least 10,000 people who went missing in Argentina during the military dictatorship of 1976–1983.

The CMP case demonstrates that conflict transformation is possible at least on humanitarian issues, despite the absence of an overall political settlement. In fact, the issue of exhumations of missing persons has often been considered one of the most complicated aspects of post-civil war negotiations. For example, despite decades of progress in the Northern Irish peace process, there has been little breakthrough on the issue of the disappeared during the “Troubles.” There were very few disappearances in Northern Ireland in the 1970s, yet the fate of some of the missing remains unresolved despite the overall satisfactory record of the Belfast/Good Friday Agreement (McGarry and O’Leary 2009a; McCaffrey 2011; Kovras and Loizides 2011).

The South African case provides another interesting contrast to Cyprus on the issue of the missing persons. In both South Africa and Cyprus there have been approximately 2,000 reported cases of missing persons (CMP 2013; Aronson 2011).⁵ Debating the limitations of South Africa’s search for its own missing, Aronson (2011) argues that the Truth and Reconciliation Commission (TRC) managed to officially recognize only 447 individuals as missing, of which only 66 were exhumed. In other words, the much

celebrated “South African model” produced only a tiny portion of exhumations compared to the less-known “Cypriot alternative,” where almost half the missing have been exhumed under conditions of a protracted stalemate.

Inevitably, numbers and the reasoning behind such comparisons could be questioned, yet there is little doubt that the reactivation of the CMP has been largely successful for the conditions of Cyprus. According to TRC leading researcher Nicky Rousseau, the broad mandate of the Commission in South African politics and society obstructed policy-makers from specifically focusing on the issue of the missing (2012). By contrast, in Cyprus the issue of the missing was delinked from the political process and all related efforts prioritized exhumations. More precisely, the CMP process operated with a “restricted mandate” and included effective political and legal guarantees against persecution in exchange for anonymous information leading to exhumations (Bozkurt and Yakinthou 2012). In other words, it introduced an alternative model of addressing political exhumations to those in South Africa, where amnesty was linked to formal public acknowledgment of events, or more recently in the Balkans, where international justice has prioritized convictions for perpetrators. Additionally, the CMP model was based on implicit reciprocity between the two communities. As demonstrated in previous chapters, proportionality and reciprocity are critical in resolving protracted conflicts. The forced disappearances in Cyprus were fairly proportional, affecting both communities; therefore each had an incentive in cooperating and sustaining the process.

The Cypriot Context

In Cyprus there are missing persons from two different periods. According to official figures, the Turkish Cypriots suffered approximately half their losses during the bicomunal hostilities of 1963–1974 while the other half went missing in the July–August 1974 period. The Greek Cypriot community experienced most of its losses during this second period (Kovras 2014). In 1981, with Cypriot approval, the UN established a tripartite Committee on Missing Persons (CMP), consisting of a Greek-Cypriot, a Turkish-Cypriot, and a member directly appointed by the UN Secretary General. Although the Committee’s primary objective was to investigate the fate of these missing persons on both sides, there were no exhumations for more than two

decades, with the exception of the body of a U.S. citizen of Greek-Cypriot descent following Congressional intervention.

In their work on the CMP, Sant Cassia (2006), Kovras (2008), and Bozkurt and Yakinthou (2011) have identified multiple reasons for these initial failures despite the pressing needs of relatives on both sides. First, the CMP was formed on the principle of consensus among its members, something that has led into failures in implementing major decisions (Kovras 2013). Given the partition and protracted stalemate in the island, there was no effective mechanism to arbitrate deadlocks or force any side to implement its obligations. In general, the UNFICYP in Cyprus has failed to enforce any of the agreements signed by the two sides, for instance, as mentioned earlier, the 1975 Vienna Accords stipulating respect for the rights of 20,000 Greek Cypriots residing at the time in enclaves under Turkish Cypriot administration (Sambanis 1999).

Second, the ethnonationalist narratives of each side obstructed rational decisions on the issue. Despite the intensity of bicomunal violence, the overwhelming majority in both communities had very little knowledge of the existence of the other side's missing persons. Relatives of the missing themselves have been instrumentalized in the national narrative and have often been formally employed in government posts to propagate official positions abroad. On the Greek Cypriot side, the number 1,619—denoting the figure of Greek Cypriot missing persons—became an emblem of public victimhood (Sant Cassia 2007; Kovras 2008). Likewise, on the Turkish Cypriot side, the missing of bicomunal violence in 1963–1964 were perceived as martyrs who sacrificed their lives for their nation.

Unlike their Greek Cypriot compatriots, Turkish-Cypriots accepted the fact that their missing had lost their lives; they too employed a number, in this case 803, denoting the forcibly disappeared (Sant Cassia 2006: 116; Kovras and Loizides 2011). Official bureaucracies, particularly on the Greek Cypriot side, assumed the responsibility for presenting the issue in international forums. Even when subsequent evidence was presented that a missing person was dead, authorities tried to suppress information but also revised their catalog to maintain the symbolic figure 1,619. During a related workshop on Cyprus at the University of Portland in 2007, Andreas Paraschos, former editor of *Politis* newspaper, compared the foreign policy treatment of the missing with soccer, pointing that each side kept a “reserve team” using substitutes of missing to maintain its symbolic figure intact.⁶

As shown in previous chapters, framing national narratives could often influence available options in conflict resolution. Ultimately, framing the missing acquires such intensity, ethnonationalist bias, and status that resolution of the problem became next to impossible (Kovras and Loizides 2011). Yet 2004 marked a turning point and exhumations began across the island despite conditions that seemed prohibitive. By May 2015, more than a thousand remains had been exhumed from burial sites across the divide.⁷ As shown in polls and several related studies, the CMP has become the single most successful bicomunal project in the island; its work is publicly supported by both communities as well as foreign governments, including Turkey, which have been financing its operations (Sant Cassia 2007; Kaymak 2007; Kovras 2008). In a 2007 survey commissioned by UNFICYP, 92 percent of Greek Cypriots and 74 percent of Turkish Cypriots evaluated the presence of the CMP in Cyprus as positive (UNFICYP 2007).

Breaking stalemates does not happen in a vacuum, of course. The resumption of CMP activities was preceded by significant civil society initiatives. In 2000, thousands of Greek and Turkish Cypriots put aside years of division and gave blood samples with the hope of finding a compatible donor for a bone marrow transplant for a six-year-old boy. Creating the infrastructure and especially the public knowledge for DNA extraction was extremely important because later on the government appealed to Turkish Cypriot relatives of the missing to give blood samples in its effort to match the missing with their families.

Journalists in both communities equally aimed to challenge the dominant views in their communities emphasizing the common victimhood of all families of the missing. A prominent example has been Sevgül Uludağ, whose articles and books were published on both sides of the divide, despite persecution and continuous threats on her life (Uludağ 2006).⁸ On the Greek Cypriot side, new media outlets such as *Politis*, along with a number of investigative journalists such as Andreas Paraschos and Makarios Drousiotis, began to challenge the official narrative. Individual cases of relatives demanding unilateral exhumations in areas controlled by the republic also received considerable attention by local media (Drousiotis 2000; Sant Cassia 2005, 2006).

Given the groundswell of interest, by the mid-1990s the Ministry of Foreign Affairs, which had for decades had assumed responsibility for the issue, realized that the gains from the existing policy were minimal; key ministry officials accordingly decided to put forward a revised policy to break the

stalemate (Kovras 2013). According to Kasoulides, who led the effort in the MFA at the time, the new policy delinked the issue of the missing from the wider prospect of a political settlement. It also initiated unilateral endorsement of exhumations by the Greek Cypriot side, combined with strong, credible incentives offered to Turkish Cypriot relatives to cooperate with the Republic (Kasoulides 1999, 2010). Kasoulides himself in an interview with the author suggested the importance of delinking the humanitarian aspects from the political ones, as well as acting in accordance to European norms regardless of the actions of the other side to (Kasoulides 2010). As in De Klerk's decision in the 1992 South Africa referendum, this policy reorientation required a "calculated risk" the Clerides government was willing to take.

This seemed a sensible unilateral step, but it entailed a high-risk strategy unusual for the reticent Greek Cypriot diplomacy. Previously, any reference to Turkish Cypriots missing before the Turkish invasion would have seriously delegitimized Greek Cypriot predominant discourses; it would have opened a Pandora's box letting out all sorts of inconvenient questions (Kovras 2008: 377), particularly the extent to which institutions of the Republic were responsible Turkish Cypriots who went missing in the 1960s (Kovras and Loizides 2011). More important, Kasoulides himself was a leading member of the Democratic Rally and its official nominee for the presidency of the Republic for the 2008 elections. Greek Cypriot perpetrators likely to be associated with the EOKA movement or EOKA B, and their descendants overwhelmingly vote for the Democratic Rally, particularly in its rural strongholds. On the one hand, the unilateral opening to the Turkish Cypriot community entailed electoral risks not only for DISY but also later on for President Papadopoulos, who has also been associated with the EOKA movement. On the other, the CMP "restricted mandate" made it easier for those affected to tolerate (even support with information) the recovery of the missing process. As in the case of the d'Hondt, the CMP example suggests that peacemaking arrangements might be more sustainable if they avoid antagonizing directly opposing groups (see Stedman 1997).

Moreover, the Greek Cypriots had won a number of relevant legal decisions at the European Court of Human Rights (ECtHR) on the issue; however, these decisions alone could not secure progress for the issue of the missing. For Greek Cypriots, the passage of time discredited the previous policy of internationalization, aimed at exposing Turkey rather than resolving the problem (Kovras and Loizides 2011; Kasoulides 2010). Policy-makers who realized the limitations of such policies sought new arrangements that

allowed delinkage between the political and humanitarian aspects of the Cypriot question (Kovras 2012).

The delinkage strategy followed by the Greek Cypriot side fits nicely the prevailing conditions at the time. First, by initiating exhumations the Greek Cypriot side relied less on “propaganda” and more on legally sound standards of evidence, thereby incentivizing the Turkish Cypriot side to reciprocate. As stated above, the Turkish Cypriots were already in the process of challenging their regime, and therefore it was a matter of time for moderate Mehmet Ali Talat to sustain a process that would eventually benefit his own community as well. This strategy was also more appropriate as international organizations, the ECtHR, and local associations (as well as the media) started investigating the issue of the missing in more depth. The Greek Cypriot side could not avoid its own responsibilities on the issue; doing so could have ended up in a legal dispute in Cypriot and ECtHR courts. Therefore a proactive unilateral step was necessary and potentially beneficial.

More fundamentally, this unilateral approach also shaped the overall scope of the process. Unlike the case in Bosnia or South Africa, in Cyprus attention focused primarily on exhuming the missing. As the CMP operated with a “restricted mandate,” the conditions of disappearances and follow-up legal processes were left to be decided later. Overall, the two sides in Cyprus endorsed a minimalist approach to truth recovery, setting legal and political mechanisms to protect perpetrators in exchange for anonymous information leading to identification of missing persons.

Concerning the Turkish Cypriot side, two additional developments also explain its gradual endorsement of the CMP process in 2004. The first was the consecutive ECtHR decisions condemning Turkey for violating the fundamental human rights of the relatives of the missing.⁹ These decisions were backed by several resolutions of the Committee of Ministers of the Council of Europe; thus each side needed to act unilaterally to avoid finding itself on the wrong side of a future ECtHR ruling. More important, even groups of relatives themselves have gradually endorsed the CMP process (Kovras 2012). Although admittedly such initiatives made only a marginal contribution to public discourse, they allowed leaders to balance priorities more carefully with regard to the legal and political consequences of noncooperation.

Investigating positive transformation is central in understanding what leads societies away from decades-long stalemates and intractable conflicts. The success story of the CMP provides an instructive example of how conflict mediation can be effective in addressing human rights issues in postconflict

settings, even in situations where a political settlement has not been reached and where progress seems stalled.

Returning Home to Varosha

The CMP experience was not replicated in Varosha. The city of Famagusta was home to 31,960 Greek Cypriots according to the 1973 census, mostly residing in its now deserted sector of Varosha. The city with its deepwater port and thriving tourist industry enjoyed the reputation “Cypriot Riviera” in the 1960s. It was abandoned by its terrified population just before the arrival of the Turkish troops on August 14, 1974, and since then has been sealed behind *barbed wire*, with access restricted to Turkish military patrols. In 1979, the two sides reached a high level agreement under the auspices of UN Secretary-General Kurt Waldheim confirming that

Priority will be given to reaching agreement of the resettlement of Varosha under U.N. auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement. After agreement on Varosha has been reached it will be implemented without awaiting the outcome of the discussion on other aspects of the Cyprus problem.¹⁰

Despite this clear statement of intent, nothing has happened since then. Discussions of Varosha reemerged several times as Turkish Cypriot policy vacillated between conditional offers to return the town and threats to colonize it (Clerides 1989–1993). The threats intensified after the unilateral declaration of independence of “TRNC” in 1983 and the exodus of minority Bulgarian Turks into Turkey in the 1980s. The 1984 UN Security Council offered some hope to the original inhabitants, condemning settlement threats and calling “for the transfer of that area to the UN administration.”¹¹ Eventually, Denktaş rejected the UN proposal, claiming it treated the Turkish Cypriot side unfairly (Michael 2009). Following the collapse of the Ghali Set of Ideas in the early 1990s, Clerides and Denktaş attempted to negotiate confidence-building measures (CBM) that included returning Varosha to Greek Cypriots in exchange for lifting Turkish Cypriot economic isolation. Subsequent diplomatic initiatives focusing on Famagusta since the 1990s have been so far unsuccessful despite promising incentives for both sides.

The failure to reach an agreement to resettle or at least restore the disintegrating town poses a puzzle for mediation studies. As Varosha is an empty territory, return of the now sealed area will result in no displacement or other immediate negative repercussions for the Turkish Cypriot side; in fact, Turkish Cypriots and Turkey will gain benefits from “equivalent” Greek Cypriot and EU concessions. The deprived Turkish Cypriot sector of Famagusta would be the major beneficiary, in fact, as the city’s tourist industry, commercial port, and local universities such as the Eastern Mediterranean University (EMU) would flourish following a compromise.

This ostensibly mutually win-win arrangement has failed for a variety of reasons. First, the humanitarian aspect of abandoning a city has yet to attract wider international attention and foreign governments have not mobilized on the issue. While other postconflict societies face issues of missing persons, Varosha is almost unique in terms of emerging international norms and relevant legal frameworks. As mentioned above, international law and norms have facilitated the breakthrough on the missing in Cyprus and other postconflict societies (Sikkink and Walling 2007; Kovras and Loizides 2012). Famagusta is probably one of the few deserted cities of its kind (see also Ağdam in southwestern Azerbaijan); therefore international law has yet to play a facilitating role in enabling its return.

Second, Greek Cypriot Famagusta residents at least until recently did not find the appropriate legal/political formula to incentivize Turkish Cypriot cooperation. Unlike the relatives of the missing or the Cypriot Maronites discussed above, Famagustians have not engaged in effective international diplomacy to make their cause known around the world or to build an internationally vibrant support network. Nor have the municipalities in Famagusta learned from Demetriades and Akıncı’s examples in Nicosia with regard to employing informal but effective policies of reconciliation. Although prominently represented, Greek Cypriot Famagusta leaders have been isolated for decades in nationalist politics, maintaining only limited international networks of influence. For the most part, Famagustians have been on the margins of Greek Cypriot politics, and have not achieved direct representation or involvement of their municipality in the peace mediations. In the past years, commemorations of the city’s occupation have even led to controversial public incidents between Mayor Alexis Galanos and President Demetris Christofias as to the mishandling of the reunification policy. Even after the presidential victory of Nikos Anastasiades in February 2013, no

Famagustian was selected to his first cabinet, despite the fact that the province has been the traditional stronghold of the Democratic Rally.

More important, the often necessary unilateral steps required to entice cooperation from the Turkish Cypriots have been missing here. In fact, the European Commission itself has mismanaged the issue, despite its intense involvement in the Cyprus peace talks (Faustmann and Kaymak 2007; Tocci 2007, 2008). EU leaders arguably promised direct trade and financial assistance to reward Turkish Cypriots for their support of the Annan Plan in 2004. Turkish Cypriots took these promises for granted even though none were made formally or on record. Previous negotiations, however, had linked these same issues to the return of Varosha. Since then, Turkish Cypriots have insisted on easing of trade and flight restrictions in return for their 2004 vote, while Greek Cypriots maintain such changes to the status quo could only be considered as part of a comprehensive settlement or a mini-package prioritizing Varosha as stipulated in the 1979 High-Level Agreement.

There is a fourth and more fundamental reason why mediation on Varosha has failed. In theory, gradualist approaches are effective if the issues addressed require minor risks and are delinkable from the broader peace process. But the return is such a large undertaking that it creates severe risks and uncertainties for both sides. Turkish Cypriots fear that after returning Varosha, Greek Cypriots will completely lose interest in reunification. For the most part, the Turkish Cypriot side is not willing to accept the return unless it is part and parcel of an overall agreement ratified in a referendum. On their part, Greek Cypriots fear so-called “Taiwanization” of northern Cyprus, if Turkish Cypriots receive significant concessions on international trade prior to a settlement. Given the importance of Famagusta, it is to be expected that Turkish Cypriots will demand such concessions, as they already feel entitled by virtue of EU promises to free trade and economic assistance. Furthermore, Greek Cypriots fear Turkish Cypriots will not return additional territories if they resolve their own financial problems and start entertaining state rights as a *de facto* separate entity. Greek Cypriots are unwilling to concede on trade and direct flights as they are already alarmed by the gradual “recognition” of the north through indirect international legal ties. Finally, returning a large area like Varosha is a large undertaking with major political risks for Greece and Turkey. If something goes wrong, a senior Turkish diplomat told the author in an interview “the return of Varosha will be a confidence-destroying rather than confidence-building mechanism” (Uras 2010).

Stalemates and “Calculated Risks”

These are justified fears; however, as mentioned earlier, “calculated risks” are necessary in peacemaking. In this respect, confidence building in Varosha will be much easier to tackle than a comprehensive settlement as publicly advocated by Ankara. More important, lack of cooperation in Cyprus with regard to either scenario might be devastating for Turkey’s EU accession process; while Turkey might feel confident in its current economic model and foreign relations, there are absolutely no guarantees the crisis will not affect wider Europe. Greek Cypriots themselves paid a huge price for believing in the invincibility of their own financial model, failing either to take early measures five years into the financial crisis or to build those alliances to secure more favorable terms in addressing the sovereign debt crisis. As the next chapter demonstrates with regard to alternative scenarios for Turkey, there also no guarantees the EU will not prioritize its own domestic markets at the expense of third countries, or that a major financial crisis will not hit Turkey unassisted. For Turkey itself it would be unwise to risk a decade of unprecedented development and prosperity for maintaining the “solvable” Cypriot dispute.

As this book demonstrates, many of the concerns and fears of Turkish Cypriots in the island are potentially manageable and could be supported in the new institutional designs proposed for reunification. But if mediations fail to accommodate equally important Greek Cypriot concerns, Turkey will simply remain an occupying power of a member state of the EU, its largest trading partner. The richer Turkey becomes, the higher the risks to its prosperity from complications in Cyprus and its strategic orientation in the EU.

Equally, Greek Cypriots should “calculate risks” with regard to their own concessions in return for Varosha, but as suggested with the CMP example above, do so with a legally sound formula and assertiveness. The term “Taiwanization” is another false analogy wrongly employed in the Greek Cypriot discourse, used widely but with little or no knowledge of the politics of East Asia. As mentioned earlier, divided societies have to be creative on confidence-building measures if they wish to avoid future worst-case scenarios. China has demonstrated this kind of creativity with regard to its unification with Hong Kong, while in the Taiwanese case it combined tough-resolve rhetoric with positive engagement with the island’s public. For instance, foreign airlines fly to Taipei only under condition of receiving permission from the Chinese authorities, in a measure that protects the legal position of the

official state but allows the Taiwanese direct flights with third countries. Likewise, in Georgia the authorities recognize university degrees from Abkhazia and South Ossetia but use their own legal procedure in the accreditation process. Ker-Lindsay (2012b) offers an array of insightful cases and examples from the Balkans and Caucasus on how to facilitate engagement without risking recognition. This insightful legal/political analysis could strengthen the Famagustian leadership in defending itself against accusations of endangering the legal position of the Republic of Cyprus or the prospects for a comprehensive settlement in the island.

As demonstrated in this chapter, the essence of peacemaking in contested territories is transforming crises and dormant time into opportunities for peacemaking. The 2013 financial crisis could be a future point of reference. On the one hand, in 2013 the elected Greek Cypriot leadership felt let down by the unexpected treatment of its EU partners. Peace processes require credible external allies, and in their absence the Greek Cypriot side might rightly be unwilling to take major risks. At the same time, the treatment by the troika has caused a wave of sympathy, particularly as Greek Cypriots are gradually recovering from the crisis. By engaging in intensive negotiations, Anastasiades will maintain increased leverage in current negotiations, minimizing political risks. More important, the two sides should avoid negotiating behind closed doors by broadening the agenda to include opposition parties and civil society actors, especially those municipalities representing refugees. As Akıncı made the return of Varosha to its original Greek Cypriot inhabitants a central theme of his April 2005 campaign, he provided an unprecedented political opportunity for a more active involvement of the Famagustians, combining international diplomacy to support their cause with the appropriate legal/political formula to incentivize Turkish Cypriot cooperation.

Conclusion

Overall, Cyprus tells an insightful story about such moments in peace processes, including how timing in negotiations might or might not lead to conflict resolution. The 2004 accession process arguably met almost all necessary conditions of Zartman’s ripeness thesis. But ripe moments can contribute to miscalculations and deadlocks. Previous chapters have shown this with regard to EU enlargement in the Eastern Mediterranean, while this chapter

documents the false start and subsequent resumption of the Committee for Missing Persons in Cyprus.

When ambiguity prevails in public discourse, no matter how ripe the conditions may be, key actors tend to draw on past experience to determine future actions. In this fashion, conflict-ridden societies lacking trust toward “others” maintain their narratives of conflict. The nationalist frames inherent to such narratives can lead to maximalist expectations and policy failures. Because challenging perceptions and narratives takes time, it is important to consider the use of gradualist approaches to conflict resolution. A key policy lesson from the CMP is how less promising “dormant times” can be used in negotiations to build trust and credible expectations among key actors for future mediations.

The resumption of the activities of the CMP and the resolution of the problem of the missing in Cyprus may also provide insights on how to deal with human rights and transitional justice issues in other postconflict societies where the EU is highly interested in enhancing positive change, such as the post-Arab Spring Middle East or the Caucasus. In this respect, the Cypriot case offers an alternative model to South Africa’s Truth and Reconciliation Commission (TRC) or similar alternatives in Latin America. More broadly, the relative success of the CMP offers suggestions for addressing the complex interplay between incentives and framing processes in conflict resolution; a key area of inquiry for this book. Admittedly, outside incentives to resolve the issue of the missing were important, but no more so than in other failed mediations, as demonstrated by the Varosha case.

Inevitably, the issue of the missing has served to frame the “other” in Cyprus for some time—on both sides of the divide. Yet even when confronted with sensitive and emotional issues in protracted stalemates, societies could identify the strategies and innovative institutions required to meet the challenges of truth recovery. As in the case of the d’Hondt executive in Northern Ireland or the mandate referendum in South Africa, the CMP case suggests a path by which innovative institutions could overpower nationalist frames and narratives. The relative success of the CMP is not based on social engineering or transforming the “other”’s perceptions. Both adversarial and cooperative frames in Cyprus have remained largely unbroken at the political level, but policy-makers have managed to delink the issue of the missing from political competition and more important address it effectively. As argued in the Introduction, institutional innovation could coexist with ethnonationalist frames in a stable symbiotic relationship, and, as the CMP

example suggests, this might be the only available option in emotionally sensitive issues involving missing persons in postconflict societies.

Furthermore, the experience of the CMP points to the need to delink sensitive human rights issues from negotiations for a wider political settlement in Cyprus and possibly elsewhere. Once actors recognize the limitations of using humanitarian issues for broader political objectives, delinkage strategies become more credible in negotiations. International experience suggests several examples of effective delinkage strategies, from the Sinai Peninsula in the Camp David negotiations to environmental politics in contested Kashmir. Overall, peace agreements often require delinking an issue from the broader political agenda and identification of areas where one side could make unilateral concessions in the hope that the other side will reciprocate. As shown in previous chapters, taking “calculated risks” are critical in initiating a cycle of cooperation, something sadly lacking in other confidence-building measures, especially in Varosha.

The story of the CMP could be seen as an instructive example of how to address issues of victimhood, reconciliation, and trust, without necessarily relying on ripe moments, social engineering, or comprehensive political settlements. Yet one might also point to some of its limits in particular with regard to the extent families of victims are satisfied by nonjudicial arrangements, which inevitably restrict punishment for perpetrators. On the one hand, families and the broader public might be relieved once they receive the remains of their beloved ones. On the other, cases against authorities for negligence are still pending in Cypriot and European courts. It is also hard to identify a representative sample of victims in Cyprus and survey those specifically, as demonstrated in Chapter 4 with regard to the internally displaced. Finally, the public might not be familiar with the legal and political alternatives offered in other cases. On this issue, our previous survey work in Rwanda has demonstrated that victims are more likely to opt for reconciliation than justice even in post-genocide situations (Megwalu and Loizides 2010) while our 2013 survey in Bosnia (Hall et al. forthcoming) suggested that this might be also depended on postconflict institutional compromises (e.g., returning homes to their original owners). In Cyprus itself a Cyprus2015 survey has demonstrated that the public would like to engage more deeply with the island’s past and to see the establishment of a Truth and Reconciliation commission, but with the view to mutual forgiveness and reconciliation. Large majorities in both communities—72 percent of Greek Cypriots and 77 percent of Turkish Cypriots found this proposal satisfactory

in 2011 (Cyprus 2015 2013). But more important are the views of the relatives of missing and those most affected by forced disappearances; therefore future specialized surveys should cover this important gap.

Another conclusion of this chapter is that the least promising times for a settlement are suitable for introducing gradual steps in negotiations, which may become the catalyst for a subsequent settlement. While stalemates and domestic/international crises admittedly divert attention from peace talks, interrupting mediations during these times has often been grounded on wrong assumptions. Even during elections and major domestic crises, appropriate conflict resolution processes might generate incentives and mandates for catalyzing a peace process. The dilemmas between gradualist and comprehensive approaches will be particularly relevant in future mediations, as Akıncı proposed in 2015 a parallel mediation process involving on the one hand the issue of Varosha and on the other the overall settlement of the Cyprus problem.

In conclusion, the rationale for exploiting “least critical” periods in a protracted negotiation is that these periods allow mediators to perform constructive experimentation, take gradual steps, and test innovative ideas. Extending this idea farther, the development of related theories of how to examine, address, even break deadlocks could prove invaluable for international mediators in Cyprus and beyond. By contrast, during ripe moments, mediators must make careful use of their time, often sidelining options that are promising but complex, time-consuming, and likely to be at least initially resisted by the conflicting sides. Ripe moments are also more prone to miscalculation, as demonstrated by the rising expectations of both sides during the Cyprus-EU accession process, and subject to sudden geopolitical shifts. Finally, a large set of innovative ideas is often produced in pre-peace talks which are essential in bringing sides together but cannot fit within the tough timelines of ripe moments. The post-April 2015 momentum in negotiations would not have been successful in gaining public support without the networks, ideas, and bicomunal spirit produced by peace activists years earlier.

Chapter 7

Europeanization and Hydrocarbons: Alternative Scenario Planning in the Levant

The strong do what they can and the weak *suffer* what they must.

—Thucydides, 431 BC

In Cyprus and other conflict-ridden societies in wider Europe, the long-term stability of power-sharing arrangements will inevitably continue to be linked to the prospects of EU enlargement. Yet, as stated in previous chapters, EU accession for Cyprus and its ongoing prospect for Turkey have failed to incentivize a comprehensive settlement in the island. In explaining this failure, the book has highlighted several factors, including the lack of clarity in the pre-accession incentives, the adverse effects of ethnonationalist rhetoric, the wrong timing of the 2004 referendums, and, as argued here, failures in identifying alternative scenarios and cross-issue linkages. This is an unfortunate outcome, given that international organizations such as the EU could offer the resources, credibility, and vision required to negotiate and sustain a federal Cyprus.

Accession advocates in the early 1990s predicted a rosy future, proffering a broad vision of how EU membership would unite Cyprus and help both communities prosper and feel secure (Christou 2004; Joseph 1997; Theophanous 2003). Similar views dominated policy and media debates on enlargement across Europe. Optimism was based on the assumption that the EU was uniquely qualified for peace mediation and capable of transforming the incentive structures of the parties in a conflict (Diez 2002a). For the most part, these expectations have not materialized in Cyprus. Instead, the island has

remained divided (albeit in less visible ways than in the pre-accession period). Even the prosperous Greek Cypriot side faced major financial difficulties due to the sovereign debt crisis in the Eurozone and the unprecedented tax levy on depositors in March 2013, with only few moderate signs of recovery in early 2015.

These negative developments drive the book's argument on how societies choose (or fail to choose) to achieve peace or, more broadly, how they handle the expectations of their citizens. As highlighted in Chapter 2, peace mediations are inevitably affected by past history, unfriendly neighbors, or new crises transforming the balance of power among actors. Alternatively, friendly states and external peace allies such as the EU could incentivize a compromise and help sustain peacemaking.

The debt crisis has shifted priorities and demonstrated the limitations of extensive EU engagement in its wider neighborhood, yet such crises might inadvertently turn into opportunities if societies react wisely and decisively. To this point, the most critical factor in determining the occurrence, implementation, and sustainability of peace settlements is a society's own choice of policies and institutions. Particularly in conflicts where previous rounds of negotiations have failed repeatedly, openness to institutional innovation could be critical. Cross-country learning could also maximize Europe's soft power capabilities and help actors reconceptualize Europeanization as a catalyst for peace.

Alternative Scenario Planning

This chapter focuses on decision-making theories and demonstrates how alternative scenario planning can directly or indirectly affect a prospective peace settlement. Alternative scenario planning is a strategic planning method defined by two components: a diagnostic element assessing potential uncertainties for each side with or without a compromise, and a prognostic element evaluating relevant policy prescriptions aiming to minimize critical uncertainties or their consequences. Because the world we live is more volatile than ever and surprises are inevitable, scenario planning could not be simply about attempting to predict the future. On the contrary, experts have introduced scenarios in decision-making as a way of minimizing risks and resourcefully preparing for the future, while acknowledging that narrow

predictions focusing on a single direction to guide policy-making are doomed to fail in the long term (Courtney et al. 1997; Ringland 1998; Schwartz 1991).

Planning alternative scenarios is essential to institutional innovation in peace processes, as it allows each side to anticipate unexpected events and become more adaptable in the face of future uncertainties. Scenario planning contributes to increased understanding of these uncertainties, incorporation of alternative perspectives in governance, and greater resilience of decisions in surprising situations (Peterson et al. 2003).

A question frequently asked in any mediation is whether a prescribed solution eliminates the most fundamental fears of each side. To answer this question, it is not enough to identify issues and recommendations to sustain peace; one must also produce alternative scenarios that demonstrate the durability of the recommendations across time and space. Scenario planning could preserve the initial benefits that derive from a peace settlement while eliminating critical uncertainties or their overall effects. As demonstrated from the Cypriot debt crisis and across the globe, societies failing to address alternative futures are more likely to pay a high price in the presence of adverse shocks.

More important, alternative scenario planning allows each side not only to minimize undue risks but also to avoid excessive conservatism constraining peace mediations. By encouraging “calculated risks,” alternative scenario planning can help societies address protracted stalemates and their consequences. Leaders willing to take such calculated risks are more likely to deliver a peace settlement as shown in the book’s earlier examples of the peace referendum in South Africa and the committee for the missing in Cyprus.

Alternative scenario planning and other strategic planning methods could be extremely relevant for Cyprus and its immediate region. For one thing, new issues have emerged, including the financial crisis and the discovery of natural gas reserves, which inevitably influence debates on the Cyprus question. For another, the methodology of alternative scenario planning was first developed in business by the oil and gas industry. Interestingly, most studies in the field of decision-making cite the successful applications of scenario planning by Royal/Dutch Shell. The company was a pioneer in establishing scenario planning in the business world in the early 1970s, defeating its commercial opponents in oil price forecasting and in interacting with

governments under conditions that seem unpredictable (Schwartz 1991; Schoemaker and van der Heijden 1992).

Knowledge transfer in this area will be critical for policy-makers in Cyprus. In addition, there are precedents. As Schoemaker (1995) suggests in a highly cited study on scenario planning, the Anglo-American Corporation's use of scenario planning contributed to the fall of the apartheid regime in South Africa. As early as 1984, the company began to identify global trends and key uncertainties about its future in South Africa; in light of these global trends, it developed two domestic scenarios: "high road" and "low road." The former scenario required power-sharing and democratic welfare (as in Switzerland), eventually transforming South Africa into a significant global actor, while the latter assumed continuous violence, turning the country into an economic wasteland (36). According to Schoemaker, the "Anglo scenarios" were not just an intellectual exercise; they were "powerful means of shaping the agenda for political action in South Africa" (36).

It is essential that institutional proposals in peace processes be targeted toward alternative scenarios. Negotiation theorists have long demonstrated how institutional design, which considers alternative scenario planning, reduces uncertainties and sustains a negotiated settlement in the long term (Raiffa 1982; Schwartz 1991). Precisely because worst-case scenarios are effectively addressed, peace settlements become more secure and negotiable in the first place. And regardless of developments in the Cyprus peace process, scenario planning will be particularly relevant for the region. For one thing, a critical factor is the discovery of natural gas reserves south of the island and Israel's renewed interest in cooperating with Cyprus, Greece, and if possible Egypt and Turkey. For another, the post-2008 sovereign debt crisis requires academics and policy-makers to discuss alternative scenarios of active or limited involvement of the EU in the Eastern Mediterranean region. Such options might include the possibility of the EU not endorsing Turkey's accession in the near future or the worst-case scenario of the EU facing repetitive crises that might eliminate any impact in transforming Turkish foreign policy priorities. Finally, alternative scenario planning is useful because the size of potential natural gas reserves is still unclear, future prices are unpredictable, and, more important, regional and global geopolitics are shifting.

Will Turkey Be Admitted to the EU?

What are Turkey's accession prospects and how do these affect a future settlement in Cyprus? Critics of past settlement proposals on the Greek Cypriot side have posited two opposing and arguably contradictory scenarios. "Optimistic" critics argued that after the island's accession to the EU, "Cyprus would [be] in the strongest negotiating position since 1974," and "the application of EU laws and regulations will protect more effectively the rights of all Cypriots" (Coufoudakis 2004: 12). "Pessimistic" critics maintained that Turkey would not implement the agreement, especially if denied EU membership (Papadopoulos 2004; Palley 2005). Even on issues where concessions were agreed on by both sides, such as the return of land, critics argued that Turkey would renege on its obligations (Papadopoulos 2004).

The first argument has been proven wrong, to judge from the failure of the Greek Cypriot hard line leadership to renegotiate a better settlement in the post-Annan era. The main political parties who rejected the Annan Plan, DIKO and AKEL, had the opportunity to shape or dominate the policy agenda on the Cyprus issue for a decade. But Presidents Papadopoulos and Christofias have both failed to gain even rhetorical support from any major EU country for an improved settlement on critical issues such as security and displacement. The largest casualty of both consecutive presidencies was the declining public confidence in the possibility of a settlement. In contrast, other communities with arguably worse and more recent experience of war and ethnic cleansing, such as Bosnia or even Kosovo, have done much better in engaging in their respective peace processes, even partly implementing the right of return for the displaced (Belloni 2008).

Cyprus remains an outlier case. The island's future initially seemed rosy within the EU, while in early 2008, the island's economy was deemed vibrant enough to join the Eurozone. In the second half of 2012, the Republic of Cyprus held the Presidency of the Council of the European Union, a highly prestigious distinction for the small state. In reality, however, the island's current condition has been an unfortunate reflection of its last 4,000 years of turbulent geopolitics. An EU member but divided, Cyprus is occupied in the North by Turkey, forced to accept the British (sovereign) military bases in the South, and following the sovereign debt crisis, financially indebted to the Russians, Germans, and others, including the technocrats of the International Monetary Fund (IMF) and the European Central Bank (ECB). At least for the immediate future, decisions on the

island's finances will be largely made outside the influence of elected leaders in Nicosia.

The second scenario presented by the critics—non-implementation of the settlement by Turkey—requires more cautious assessment. Turkey remains a country with many unknowns despite the declining role of its military. The essential rationale for reaching a settlement in Cyprus is for both communities to be safeguarded against future conflict. A Cyprus settlement must eliminate *once and for all* the possibility of war or even limited political violence in the Greece-Turkey-Cyprus triangle. In a nutshell, if Turkey is not to be trusted as a partner to the settlement, it should not be trusted as a partner to the de facto partition. De facto partition might turn into a permanent condition or lead to a major confrontation over unresolved issues such as gas and oil explorations in the Eastern Mediterranean.

As demonstrated in the *Greek-Turkish Crisis and Negotiations* database (Loizides 2009b), Greece and Turkey have faced at least one near-war situation each decade since the 1950s, with the exception of 1999–2014 (see also Bahcheli 1990; Heraclides 2001). Developments unrelated to Cyprus might force the region back to its confrontational past, particularly if support for moderate political parties continues to decline in the two countries; the unprecedented rise of the extreme right in Greece is another source of worry for the future. This does not imply that a settlement itself does not have its own geopolitical risks. Rather, both sides and the international mediators should use the opportunity of the settlement to safeguard peace in the region against future uncertainties.

Strategic planning should seek to eliminate a repetition of the 1960s violence feared by the Turkish Cypriot side and the non-implementation of the peace agreement feared by the Greek Cypriots. Stability in Cyprus and its immediate region will require a strong bicommunal Cypriot peace enforcement mechanism monitored and assisted by the UN. In addition, there could be a “motherland” Greek-Turkish dimension to the regional security mechanisms and, equally important, an EU/NATO presence and mutually agreed on external guarantees for the implementation of the settlement. Such arrangements would be enhanced by Turkey's integration into European institutions and full membership to the EU, but in the absence of this accession, alternative arrangements could be identified. An innovative linkage might involve the simultaneous settlement of both Cyprus and the Aegean issues tied to additional NATO/EU guarantees for implementation of the settlement. As argued broadly in the literature, Turkey's accession is a catalyst for a

future settlement in Cyprus (Ker-Lindsay 2005; Tocci 2004; Richmond 2005). It is equally obvious that failure to integrate Turkey into the EU would minimize positive incentives in the Cypriot peace talks.

Alternative Scenario Planning: Turkey-EU Accession

The complexity of the current negotiations can be summarized as follows. If Turkey comes close to its EU accession goals, Greek Cypriots could, in principle, increase their leverage in the negotiations. Delaying the Cyprus settlement might force Turkey and, more important, Turkish Cypriots into a worsening negotiating position. Thus, Turkish supporters in Europe (including both Cyprus and Turkey) have an incentive to settle the Cyprus problem before having to face the choice of either “re-suspending” Turkey’s accession or making politically “unfeasible concessions” in Cyprus. Inevitably, Turkey’s own critics of a Cyprus settlement might be unwilling to endorse even preliminary steps in a bargaining process unless the country receives “credible guarantees” that accession would be secured in the near future. But such guarantees are not possible in EU’s complex decision-making mechanisms, and given past records, any promises might be unconvincing. Thus, both sides might have an incentive to delay negotiations until outcomes become clearer as to Turkey’s EU accession. Sadly, this might lead to a lose-lose outcome. Moreover, the experience of 2002–2004 suggests that waiting for “last-minute” bargaining might not be the best option, as all sides in the region have been prone to miscalculate when threatened with tight deadlines.

Could decision-making theories and, more specifically, alternative scenario planning help us address such uncertainties? The answer is yes. One possibility is to link settlement provisions in the Cyprus peace talks (particularly on issues of security and guarantees) to Turkey’s final status in the European Union. All sides could agree on a “re-adjustable peace settlement” comprising two scenarios (with or without Turkey’s EU accession):

- Peace settlement (Scenario A) would be implemented immediately and regardless of Turkey’s entry to the EU and would be slightly closer to the Turkish Cypriot and Turkish positions.
- Peace settlement (Scenario B) would be introduced along with Turkey’s EU membership and would be slightly more favorable to the Greek Cypriot side.

In Scenario A, Turkey, along with Greece and the UK, would maintain its guarantor status in a reunited Cyprus but with additional monitoring from the EU and UN. After Turkey's EU entry (Scenario B), any military presence would gradually be removed; "motherland" guarantees would also be terminated, with a prenegotiated security mechanism within EU institutions substituted in their place. Security could be one of the linkages, but others could be envisioned for issues critical to both communities.

By linking Turkey's EU accession to the Cyprus problem, mediators could aim for self-enforceable incentives: all interested sides would work toward the best scenario leading to Turkey's accession. Understandably, the peace settlement would include a prior commitment for Greece and Cyprus not to veto the accession, since an improved settlement would accompany accession through the process of automaticity described elsewhere in the book.

This is not a novel idea. A related linkage appears in an early provision of the Annan Plan aiming to minimize the "EU ambiguity and hope factor" entrenched in the 2002–2004 negotiation. But as stated in previous chapters, nationalist agitation and oppositional frames are frequently the worst companions of institutional innovation. In protracted mediations, promising mediation formulas commonly fall into oblivion or are simply forgotten. Even prominent scholars criticizing the Annan Plan have failed to recognize the utility and logic of this linkage. For instance, Anderson (2008) interprets it as aiming exclusively at serving broader western interests in Turkey's EU accession process, downplaying the fact that if this were the case, Cyprus would have not been allowed to enter the EU as a full member in the first place.

Interestingly, like other critics of the Annan Plan discussed in Chapter 1, Anderson (2008) examines the prospects of Cyprus vetoing Turkey's EU accession. Although he identifies the shortcomings of such an approach, he argues that smaller countries can sometimes defy great powers. Anderson concludes his essay by arguing that "the more likely outcome remains, in one version or another, the sentence pronounced on another Greek island: 'the strong do what they can, the weak do what they must.'" By "misquoting" Thucydides (431 BC) (see also Yiorgos Lillikas's same slogan for the 2013 presidential elections),¹ Anderson probes the popular narrative whereby strong nations act according to self-interest while the weak but noble fight for justice and morality. By contrast, Thucydides' dictum that "the strong do what they can and the weak *suffer* what they must" (emphasis added) offers a familiar and centuries-old warning to all sides not to deviate from political realism when dealing with intractable conflicts.

This is not to say that ideals and morality do not matter in contemporary international relations; rather, small nations and communities should be cautious in their choices, especially not to miss sensible and timely opportunities for peace. Accordingly, while sharing the concerns of Anderson (2007) and other critics about the gaps of previous peace proposals, this book also situates its own recommendations, specifically institutional innovation, in a tradition of political realism.

Revisiting old and potentially feasible ideas can be useful, and, to paraphrase Horowitz, using leftover ideas might help future settlements (2002b). But there is much more to be done than merely recycling old formulas. Novel linkages could be identified by reexamining the Cypriot experience or by looking beyond Cyprus to other divided societies. As demonstrated in previous chapters, comparative analysis could identify alternative ideas for a Cyprus settlement and contribute to the broader theme of institutional innovation.

Returning now to Turkey, several other factors should be considered in debates of the effect of Turkey's EU accession on Cyprus. As discussed in previous chapters, Turkey has experienced unprecedented growth since 2002, making it an increasingly reliable and attractive partner for the EU. It goes without saying that in EU negotiations, Turkish political and economic elites will try to safeguard the progress and negotiate appropriate arrangements to maintain the country's growth performance and positive economic outlook. Especially following the negative publicity in the 2013 anti-government protests in Gezi Park, refocusing international attention and changing the agenda domestically will be beneficial to all actors.

Alternatively, under the current international financial climate and Turkey's internal polarization, Erdoğan's financial successes could be easily forgotten and undermined in the country's murky politics. During a visit to Ankara in April 2012, I interviewed former ambassador Faruk Loğoğlu, leading foreign policy figure for the CHP (Republican People's Party), the main opposition party. Following the mismanagement of the Syrian crisis, Loğoğlu criticized AKP for failing to keep its promise of "zero problems with its neighbors," instead leading the country to a situation with "zero neighbors without problems," an eloquent comment, suggesting how critical a foreign policy success in Cyprus would be for Turkey the next decades.

As stated above, AKP will have an incentive to do endorse a settlement in the last phases of its administration or if the party retains power in order to regain its international status following domestic protests. But similar logic

applies to a future CHP government, particularly as the party appears to have returned to its moderate leftist orientation; it even claims, and rightly so, that the successful breakthrough in Greek-Turkish relations in the post-1999 Helsinki era was its doing.

If a Turkish government signs a settlement in Cyprus in the next decade, whether it hails from Kemalist CHP or pro-Islamist AKP, it is unlikely to renege from its commitments. Political or military fallout will have unpredictable financial consequences and, as a result, preclude Turkey from taking any unnecessary actions against another EU member. In addition, the regional trend is for Turkey increasingly to focus its attention on the geopolitical challenges on its eastern frontiers. In simple terms, the much-feared future unprovoked invasion of Cyprus is not a possibility.

Instead, Turkey might retain an important yet reasonable influence in Cyprus through the Turkish Cypriot community and its European connections. Such influence might even be channeled toward exercising friendly pressure on hardline Turkish Cypriots to collaborate in the implementation of the settlement. These channels of “motherland” influence should be institutionalized, transparent, and accountable to international organizations, not indirect and invisible.

Admittedly, “hostile neighbors” and related risks are generic problems in all power-sharing settlements. However, by making the appropriate decisions and using the right mechanisms within the EU, such risks could be also minimized. For their part, Greek Cypriot political elites should negotiate with more confidence in the next decade, while aligning their island’s interest to the broader geopolitical developments in the Eastern Mediterranean. The Greek Cypriot leadership should develop informal but credible communication channels with Ankara. It is surprising that this has not yet happened, given the preference of the AKP government for low key mediations, as communicated in an interview with the author by Yaşar Yakış, former minister of foreign affairs, and by various political figures and peace activists. Finally, the Greek Cypriot side should support Turkey’s accession negotiations, avoiding vetoes aiming to delay the process. If Greek Cypriots opt to veto accession, they should do so in the final stages of the process to maximize leverage for the settlement.

In terms of the critical issue of regional security in the Levant, it is important to note that not every type of proposed settlement would work in Cyprus. Alternative arrangements would certainly exhibit different levels of

viability and resilience. In essence, the workability of the settlement with regard to Turkey depends on two additional scenarios.

The first is the breadth of the settlement and whether it also resolves the Greek-Turkish Aegean controversies and the increasingly thorny exclusive economic zones (EEZ) disputes. The second is whether the international community is in a position to guarantee such a settlement and eliminate the possibility of its (*non*)implementation.

More specifically, the Cyprus-Aegean linkage might involve three components: (1) resolution of Aegean disputes, including issues of delimiting the EEZs of Cyprus, Turkey, and Greece; (2) NATO/EU guarantees for implementation of the agreements through a reformulation of Article 5 of the 1949 NATO Treaty² or otherwise; and (3) military aid to Greece for a limited period until the country recovers from the current crisis and develops a more stable revenue basis (e.g., with the discovery of natural gas in its own EEZ). Modeled around the 1978 Camp David Accords between Egypt and Israel, these arrangements would entice Greek-Turkish cooperation in areas where Greece is legally strong (e.g., the extension of EEZ around the island of Kastellorizo), but where Turkey has an equally strong political argument based on geography. This linkage would be better for both Cyprus and the international community assisting its reunification. The more comprehensive and international a settlement is, the better the chances for its negotiability and durability.

Alternative scenario planning encourages fresh perspectives in debating the negative and positive dimensions of EU enlargement in the Eastern Mediterranean. Pessimists might say that the post-2009 sovereign debt crisis will reduce the scope of influence and commitment of the EU in the region. It is possible to imagine the scenario of a multi-tier EU, with the Mediterranean South left to its own devices. One could respond by saying that peace settlements carry their own special weight and importance and that the debt crisis could be constructively linked to the Cyprus peace talks. Either way, the commitment of international organizations, guarantors, and donors will be tested in current and future negotiations; as the book highlights, a successful settlement in Cyprus is important for the international community, as it will provide a much needed model for the Middle East and beyond.

On this issue, a special advantage of the Cypriot peace process is the size of the island in terms of population; its small size makes any commitment from a foreign perspective negligible in comparative terms. This advantage is

seldom noted in discussions of the Cyprus peace process. Paradoxically, previous administrations have opted not to involve the EU in the mediations, sacrificing a major advantage. As a result, the willingness and capacity of the EU to assist in the reunification of Cyprus have not been tested. Arguably, a reunited Cyprus is likely to benefit from European Union support, while a (*non*)settlement Cyprus will receive minimal support despite its growing economic and security problems.

Overall, the Cyprus-EU accession debacle shows how past Cypriot peace mediations could have been designed and timed differently. Cyprus should have been encouraged to join the EU either with a settlement or, in its absence, with a minimum political understanding on what such a settlement would look like from EU and Cypriot perspectives. Based on alternative scenario planning, I made a suggestion before Cyprus's EU accession (see Loizides 2003a, b) that stipulated a Greek Cypriot unilateral endorsement of a modified Annan Plan (based on version III). This could have been done through either a formal unilateral endorsement of the Plan or an informal memorandum with the EU. Yet the option of using a "ripe moment" to institutionalize unilateral progress already made in the peace process was largely ignored by the various actors. Instead, the Turkish side insisted on canceling the accession process altogether, a demand European governments overwhelmingly rejected.

Understandably, the EU chose not to appease the Turkish Cypriot leadership at the time for its intransigence. However, it could have minimized the damage by committing the Greek Cypriot leadership to a shared understanding about the future peace. To avoid scenarios countering the interests of either community, any prior concessions could have been reciprocated by the international community; the EU, for instance, could have taken a more active part in guaranteeing a future settlement. As argued earlier, this is an area where EU member countries continue to have leverage among Greek Cypriots, particularly among center-right and conservative voters, who tend to be more receptive of international security guarantees. By extension, the political incentives of accession for the Greek Cypriots could be complemented by security guarantees, once the two Cypriot sides reach a settlement. Such credible security mechanisms were absent in the Annan Plan and subsequent mediations, failing to incentivize widespread support among undecided voters.

EU Engagement and the Future

Looking into the future, the best scenario for all Cypriots is to maintain close ties with the EU and other international actors, including the United States, using these links to catalyze the reunification of Cyprus. This scenario includes a more integrated and assertive federal Europe (a new institutional make-up aiming to address the current crisis), where significant decision-making relevant to a reunited Cyprus could be made at the EU level. As demonstrated earlier, because of the complexities of current (and future) bailouts, each community in Cyprus might maintain a level of independence in negotiating with the EU, while Turkish Cypriots might opt for the best timing to join the Eurozone.

Equally important, with a settlement, borders and the contentious issue of illegal immigration from Turkey will be regulated in accordance with Schengen, and key legislation, from fisheries to environmental regulation, will be drawn up in Brussels. In fact, Europeanization of decision-making might be one reason no federation has collapsed within the EU, despite problems with emerging nationalisms in Belgium (Erk 2005), bitter feelings of injustice and victimization in the Basque country and Catalonia (Conversi 1997), and “absence” of perceived incentives for England and Scotland to stay together (Keating 2005).

This is not to say the EU makes the state opaque—quite the contrary. In the case of Cyprus, the reunited Republic would assume effective authority over such issues as crime, security, and migration. A number of workable decision-making models (such as the Belgian one) at the European level could be also applicable to Cyprus; these arrangements would allow federal administrators to have a voice when the two communities agree on an issue and to abstain in the event of a disagreement.³ Such an arrangement would provide an incentive for the two sides to work together in areas of common interest; they could negotiate concessions at the EU level in return for concessions at the federal one, thereby minimizing conflict on both levels (Beyers and Bursens 2006). Moreover, the EU would provide a safeguard for functionality at the higher political level because it is against the best interests of its members to maintain a dysfunctional member or collapsing federation. Partition of a federated Cyprus would imply similar considerations in Spain, the UK, and Belgium, with unprecedented and undesirable consequences for the whole continent. Finally, by endorsing a federal settlement, Greek and Turkish Cypriots would link their future security, national integrity, and prosperity to fellow European citizens.

Even in the worst-case scenario of a weakened Europe, maintaining the settlement of the Cyprus problem within EU parameters is advantageous. Balance of power is of critical importance. The rise of Turkey as a regional power could only be confronted by the Greek Cypriot side through its institutional ties within the EU. By the same token, these negotiated institutional ties could serve Turkish and, more important, Turkish Cypriot interests. Unavoidably though, any such institutional ties that involve the EU and other international actors will require sacrifices in domestic and international sovereignty.

Planning Against Spoilers: EU and International Arbitrations

Unlike other federations “forced together” in the former Soviet block or post-colonial countries, a reunited Cyprus will be arguably formed out of a negotiated agreement endorsed by the public through democratic processes and with major global actors having a stake in its durability. Cyprus meets several criteria to which scholars point when discussing the factors influencing the success of federalism and consociationalism.⁴ A very important criterion is how deeply divided a society is in terms of ethnicity and identity boundaries. It could be argued that today’s Cyprus is a moderately divided society, compared to the deeply divided society of the 1960s or other deeply divided societies around the world that continue to suffer from ongoing violence. O’Leary (2001b: 44) argues that consociational settlements may be more practical in moderately divided places than in deeply divided societies.

Yet there is a limit in presenting this optimistic scenario for Cyprus. For one thing, the island has been divided for decades with little interaction among the members of each community. Reversals of such prolonged partitions tend to be rare if not unprecedented (O’Leary 2007). Federalism and consociationalism are difficult to effectuate in prolonged stalemates, especially as these areas might resort to federalism or power-sharing when it is too late—too much blood has been shed in the past, and any central authority or shared institutions including political parties have been absent.

As stated earlier, a crucially important structural factor constraining reunification in Cyprus is identified in the consociational literature with regard to the island’s past failures (Lijphart 2007; McGarry 2011). The dual imbalance of power adds a critical uncertainty to the reunification puzzle, as there

are only two groups and one of them, the Greek Cypriots, are in overwhelming majority. Finally, even if a future settlement is approved through democratic processes (e.g., twin referendums), there will be significant constituencies voting against the settlement and framing any compromise as an imposition by the international community, Turkish invasion (Greek Cypriots), and continuous international isolation (Turkish Cypriots).

As highlighted in this chapter, one should take into consideration alternative scenarios for the future. Planning for middle scenarios is not the appropriate decision-making strategy; instead policy-makers should be prepared for “extreme scenarios” even if they do not necessarily assign them the highest likelihood to occur. Cyprus might evolve as a moderately divided society but also reverse back to grievances, ethnic mobilization, and mutual vetoes. For one thing, the second scenario will require effective decentralization (as argued in Chapter 1) and external guarantees including the presence of international peacekeepers to contain negative actions. For another, alternative arbitration mechanisms will prove essential in addressing spoilers, sustaining cooperation during difficult times and maintaining a positive equilibrium that no side has an incentive to change.

A simple aspect of the Annan Plan that was heavily criticized was the introduction of foreign arbitration, described by critics as constituting an unacceptable and undemocratic violation of Cypriot sovereignty (Coufoudakis 2004). Specifically, the Annan V settlement included an arbitration mechanism in the form of a Supreme Court intervention. The court was meant to comprise an equal number of Cypriot judges from the two communities and foreign judges appointed by the UN; the foreign judges were expected to be established legal experts with previous international experience. Apart from making judicial decisions, the Supreme Court was to settle disagreements over the interpretation of the Annan Plan and resolve deadlocks at the executive level.

As this book has made clear, many of the critiques of the Annan Plan could be appropriately addressed. For example, Chapter 3 has proposed a semipresidential arbitration mechanism, adding another democratic layer of governance to the reunification structure and creating a buffer zone between the executive and the constitutional court. Under this mechanism, arbitration decisions will be made first by the co-presidents, and then by the Supreme Court in rare occasions when everything else fails. Alternatively, the European Commission could be responsible for final arbitration, avoiding the politicization of the judiciary. Credible arbitration systems could address

alternative scenarios critics tend to ignore—but which, as the book points out, can be extremely useful. For example, arbitration systems will make it impossible for hardliners to sabotage decision-making as in the 1960s. More important, going through the court system necessarily entails loss of time and possibly of reputation, necessitating that sides carefully consider their positions before vetoing a decision, especially as the court would reject unfair or unconstitutional demands, causing local and international embarrassment.

Countries in the EU including Cyprus have already granted part of their sovereignty to the EU (at executive, fiscal, and legislative levels) and to the ECtHR (at the judicial level), in the expectation that the benefits of participation will outweigh the potential loss of sovereignty. As discussed above, it is hard to imagine how critics can maintain their emphasis on sovereignty issues following the challenges Cyprus has faced in the post-2012 era. One might argue in favor of inviting foreign (especially legal) expertise to help in decision-making, especially in resolving contested human rights issues. The decisions of international legal experts have a normative appeal, as they protect minorities and vulnerable groups of the weaker sides (e.g., Greek Cypriots displaced). Because they trigger interest beyond national boundaries, internationalized judicial processes become more costly for aspiring violators.

Institutional design requires ingenuity, and sovereignty cannot be an exception. Divided societies have to be creative on the sovereignty question if they wish to survive bigger challenges; China demonstrated this kind of creativity when negotiating reunification with Hong Kong, making “major concessions,” including appointment of foreign judges in Hong Kong’s Supreme Court (McCall 2001: 101). Likewise, parties in Bosnia have accepted limitations to the country’s sovereignty and included provisions in the Bosnian constitution allowing foreign judges to work with local institutions (Belloni 2006; Bieber 2006: 123–29).

Northern Ireland offers another appropriate test case of arbitration mechanisms as a way of addressing the worst-case scenario of noncooperation. Soon after the signing of the Good Friday Agreements, a deadlock led to suspension of the provincial government and direct rule by London (with Dublin’s contribution). Ian Paisley and the DUP, who “spent most of his career deriding reform-minded Unionists as traitors” (McDonald 2007), initially refused to share power with Irish Nationalists. However, the cooperation between the two governments, Ireland and the UK, had a moderating effect, leading to the landmark St. Andrew Agreement of 2006. On the one hand,

foreign arbitration did not lead to major sanctions against the voters in the province (except new water taxes that sparked some anger). On the other, local politicians including the DUP could no longer survive “direct rule” from Westminster without assuming power in the province themselves. Furthermore, the revised d’Hondt procedure offered leaders an attractive exit strategy from the deadlock. Hence, by 2006, the two sides had reconsidered their views and reached a compromise implemented a year later. Indeed, a former opponent in the Unionist camp, admitted he “was convinced Paisley was a changed man and his party had been transformed” while Paisley described Sinn Féin’s subsequent support of policing arrangements as miraculous (McDonald 2007).

Alternative Scenario Planning and Hydrocarbons

Unsurprisingly, the unprecedented damage caused by the Eurozone crisis has expedited the need to provide alternative resources for the ailing Cypriot economy. Yet the Greek Cypriot side lacks the financial resources and more importantly the proven hydrocarbon reserves to plan for its own exclusive infrastructures. On the one hand, building a liquefied natural gas (LNG) plan will make pipelines redundant by allowing direct exports throughout the world, East Asia in particular (see also ICG 2012). On the other, this option will cost an estimated by the Cypriot government \$10 billion with no guarantee that unproven natural gas reserves will ever exceed the costs of the original investment (Gürel et al. 2013: 81). Because of the uncertainties as to the size, quality and future prices of nature gas, interested companies have suggested planning for alternative future scenarios. For instance, scenario A of potentially “low profits” (limited reserves) could be addressed with pipelines to Cyprus and Turkey while Scenario B of “major profits” (additional proved discoveries) could justify the LNG plan, especially if export prices in the Asian markets rise in the future. The 2014 Crimean crisis could favor Scenario A by creating incentives for Germany and other EU countries to simultaneously expedite Turkish accession, settlement of the Cyprus problem, and transportation of Cypriot natural gas to Europe as an alternative to Russian gas. Alternatively, the Cyprus government could remain primarily interested in the LNG option (or exports through Egypt) aiming to minimize dependency on Turkey. Yet, as in the past, planning for only the optimistic scenario will cost Cypriots both financially and politically.

For one thing, sharing the oil and natural gas profits with the Turkish Cypriots is politically wise, especially in safeguarding international support and refuting claims as to the legality of the Cypriot exclusive economic zone.⁵ For another, exports of natural gas through the Turkish port of Ceyhan might be the most economically efficient route for Cyprus and Israel (ICG 2012). The whole region could gradually be connected natural gas and electricity consumption, creating larger economies of scale. The Greek economy and the rest of Europe will also benefit from natural gas and electricity exports through Turkey but also Israel and Cyprus.

Moreover, the positive effects will not only be financial but also political. As discussed in the previous chapter, Varosha could become a possible first step in a future incremental peace process. The return of the suburb could be also tied to natural gas transforming the city into a development hub for Cyprus and Southern Turkey. Furthermore, a second mini-deal package could be envisioned for the future municipal area of Morphou/Yeni Güzelyurt. Morphou which was almost entirely Greek Cypriot in 1974 (home to 6,480) was included in each of the five versions of territorial adjustment in the Annan plan as well as in previous UN proposals such as the Ghali Set of Ideas of 1992 (see also Figures 3 and 4). Because of the near certainty of the town's return (if there were a settlement), the current inhabitants live in a limbo situation with very little private investment in the region. Through either a second settlement package or preferably a comprehensive settlement, the land around the broader Morphou/Yeni Güzelyurt municipality will be redistributed, with the original Greek Cypriot inhabitants regaining the south-eastern parts and Turkish Cypriots retaining legal titles for the coastal areas in the northwest in exchange for their properties in the south. The new city of Yeni Güzelyurt would be rebuilt either in a coastal location or farther north adjacent to the new Cyprus METU (Middle East Technical University) campus. Furthermore, the Republic of Cyprus could commit substantial profits from the oil and gas reserves for the Famagusta and Morphou regions, while local residents will also benefit from new infrastructure projects tied to the hydrocarbon industry.

Mutual interdependence could be the key for securing peace in Cyprus and the Levant region. Admittedly, most societies might not want to sacrifice their "sovereignty" and allow "foreigners" to assume critical roles in natural gas transport or security issues and political arbitration. If the issue of foreign involvement is so contentious in Cyprus, despite the influence of European institutions, one can well imagine the limitations of adopting comparable

arrangements in the Middle East, the Balkans, or elsewhere with much lower levels of trust in western and international institutions. This is an inherent weakness of conflict-mitigating proposals and institutions and might explain why federalism and consociationalism have not expanded more quickly and broadly around the globe. However, as the conclusion demonstrates, outside support and interdependence, even at the expense of “sovereignty rights,” might be critical in addressing worst-case scenarios and planning for durable settlements.

Conclusion: Can Divided Societies Learn from Each Other?

This book has examined the failure to reach a federal agreement in Cyprus despite intense diplomatic efforts since 1974. Unlike other divided societies that transcended their stalemates, Cyprus has remained divided for decades, even though the two communities have tentatively agreed on the general parameters for reunification since the High-Level Agreements of 1977 and 1979. Although unfulfilled, the federal vision has been shared, helping to scale back the negative public sentiment following the 1974 *de facto* partition of the island. Despite the gradual rapprochement of Turkish and Greek Cypriots, however, UN mediation attempts have so far failed in reunifying Cyprus. Yet 2015 marked a new ambitious effort to resolve the intractable Cyprus problem.

The experience of Cyprus is not unique. Protracted stalemates have prevented power-sharing arrangements from being negotiated or implemented in Sri Lanka, Georgia, Moldova, Kirgizstan, and Afghanistan, among other conflict-ridden places. Even within the EU, power-sharing arrangements have encountered significant difficulties. Belgium suffered a record-breaking 541 days without an elected coalition government in 2009–2010, while Northern Ireland (until 1998), Catalonia, and the Basque country have faced violence and/or severe constitutional frictions.

When we look at the failed consociational and federal arrangements in the neighborhood surrounding Cyprus, specifically the post-Ottoman Balkans and Middle East, we find no obvious, immediate, or overdetermining historical reasons for these failures. In fact, the post-Ottoman lands shared legacies of toleration at both the imperial and grassroots levels that maintained diversity for centuries; these could have provided favorable political and cultural conditions for power-sharing. In addition, examples of successful federal

movements in Western Europe are readily available and fairly well known in the region. Even more important, popular federal movements advocating cultural or regional pluralism have emerged, suggesting an alternative to ethnic nationalism. Yet federal or consociational engagements have failed to prevail over narrowly defined, exclusionary, and often violent nationalist movements. Aspiring federations such as Moldova, Georgia, or Cyprus might therefore conclude that federalism is not inevitable.

Moreover, there are problems in negotiating power-sharing, particularly in those cases where past failures have consolidated anti-federalist/consociational biases in mainstream ideologies (see the discussion in Chapter 2 on the Balkans and Middle East). Yet these short-term problems in the negotiability or in the early phases of implementation should not cloud our appreciation of the advantages of federal and consociational arrangements. As the Introduction mentions, an impressive 40 percent of the world live in countries that are formal federations or can be described as such (Watts 2002). Although critics of power-sharing arrangements often assume otherwise, no federation has failed within the European Union or among post-World War II industrial democracies (Bermeo 2002; McGarry and O'Leary 2009a). Likewise, Bermeo demonstrates that no minority in any developing-world federal democracy was engaged in armed struggle in the 1980s with the exception of India (2004: 475), which has also made remarkable progress in restoring ethnic relations since then (Kohli 2001, 2004).

In their comparative study of power sharing, Hartzell and Hoddie (2003: 319) note that about 97 percent of civil wars ending through mediation since World War II have embraced power-sharing; more important, their findings suggest that when communities increase their engagement with power-sharing, the likelihood that peace will endure also increases. Quantitative studies might even under-report the positive aspects of power-sharing, especially if introduced too late in a conflict. Even its critics agree that, at the very least, power-sharing does not seem to have a negative effect on post-election peace (Jarstad 2009). In fact, across conflict-ridden societies power-sharing has transformed highly volatile environments, including "least likely" cases such as Liberia (Soderstrom 2011), the Republic of Macedonia/FYROM (Koneska 2012), India (Kohli 2004), and Burundi (Vandeginste 2009), as well as Russia on Tatarstan (Stoner-Weiss 2004) and Iraqi Kurdistan (O'Leary 2012). Power-sharing not only contributes to the immediate objective, of terminating open warfare but also encourages better quality democracy, accountability, and effective governance, although admittedly the latter remain conditional on multiple other factors.

While recognizing the critical limitations of power sharing, this book highlights a set of noteworthy innovations in institutional design and identifies the necessary conditions for durable power-sharing arrangements. It focuses on the constitutional aspects of power-sharing and the quality and durability of such arrangements, particularly with regard to human rights, reconciliation, and truth recovery. It is challenging but not impossible to prioritize human rights of vulnerable groups in a peace settlement. Groups most likely to be affected by a peace settlement (or failure to reach a negotiated agreement) include displaced persons, relatives of missing persons, and settlers in federalizing societies. The book suggests a number of relevant mediation models, also noting how the methods used to ratify peace agreements can impede or facilitate the process.

Properly designed peace processes could win the support of those most likely to be negatively affected by peace at the ratification, implementation, or long-term sustainability phases. Simply stated, peace agreements should aim to serve as many people as possible, including constituencies historically associated with ethnonationalist traditions. Settlements should appeal not only to moderates supporting peace but also to hardliners willing to engage in transformative mediation. The latter could be strategically positioned to prevent a settlement unless an agreement satisfies their own critical needs; if satisfied, they could join with moderates to form majorities in their communities and work toward lasting and sustainable peace. In other words, recognizing ethnic antagonisms but working to reduce future tensions is essential in peace mediations.

Undeniably, institutional innovation requires a specific set of skills for policymakers. As this book demonstrates, there is now a well-stocked “tool-kit” of analytical options to those studying institutional innovation; these include critical cases such as Northern Ireland, Bosnia, and South Africa, the various crises and confidence-building measures in Cyprus and its immediate region, and finally surveys of public intentions across divided societies. Although these analytical tools have significant limitations applied individually, integrating all three could facilitate innovative design and positive learning across divided societies.

In particular, the innovations presented in this book could be applicable to a wide range of issues in aspiring federations and consociations, especially the so-called “frozen conflicts” in Moldova (Transnistria), Georgia (South Ossetia and Abkhazia) especially with regard to encouraging constructive engagement with their breakaway regions; Nepal and Colombia with regard

to the d'Hondt mechanism in their respective transitions to power-sharing; Israel/Palestine with regard to debates on ratifying a future peace agreement in referendums; and finally Azerbaijan (Nagorno-Karabakh) and Sri Lanka (Tamil Eelam) with regard to displacement and settler related conflicts.

Institutional innovation is critical for divided societies. In Cyprus, for example, peacemakers have frequently demonstrated that even with little outside help, local communities can reverse the most difficult aspects of their territorial division. As early as the 1970s, the two mayors of the capital Nicosia, Demetriades and Akinci, resorted to an ad hoc institutional design to address the city's impending environmental disaster caused by the absence of a sewerage system. But the innovative thinking, charisma, and popularity of Lellos and Mustafa (as widely known with their first names) has not found imitators in other domains; perhaps surprisingly, this includes the leaders involved in seeking innovative ways to repopulate the deserted part of Fama-gusta with its former inhabitants. Likewise, while the Bu Memleket Bizim movement brought together pacifist forces in the North and mobilized the Turkish Cypriot community in massive peace rallies, the quiet revolution failed to spread to the South despite the fertile ground even among traditionally pro-peace Greek Cypriots on the left. Sadly, in protracted mediations positive pro-peace realignments in the political landscape of one community often miss equivalent initiatives in the other by years, even months.

Another unexpected challenge of the island's partition highlighted in this book comes from the Greek Cypriot right. The 1993–2003 decade saw the center-right Democratic Rally (DISY) in power in the Greek Cypriot community. A paradox from its very inception in the post-1974 era, the Rally hosted the moderate center-right along with former paramilitaries associated with violence against Turkish Cypriots and left alike. As discussed earlier, the Rally's decade spearheaded the steady transformation of Greek Cypriot politics and steered the vulnerable Republic of Cyprus toward accession to the European Union. More important, it led to the gradual transformation of the Rally itself. In its last years in government, DISY leader Glafkos Clerides negotiated the main parameters for reunification of Cyprus under the Annan Plan. As the main opposition party, DISY voted for the Plan in the 2004 referendum and since then has steadily advocated reunification.

Yet the Rally's transformation has also limits. Future mediation in Cyprus will have to address the challenges raised in Putnam's seminal analysis of the two-level game theory mediation model (Putnam 1989; see also Evans et al. 1993). More specifically, a future agreement may receive ratification by the

Rally leadership, but convincing the public, its own diverse constituency, and future electoral allies to do likewise is another question. Putnam distinguishes two stages in the process of such negotiations: bargaining at the international (or intercommunal in this case) level between the negotiators, leading to a tentative framework agreement (Level I), and separate discussions in each group's constituencies about whether to ratify the agreement or parts of it (Level II) (Putnam 1989). Putnam adds an interesting "two-table" metaphor, with each leader appearing at both game boards: "across the international table sit his foreign counterparts, and at his elbows sit diplomats and other international advisors. Around the domestic table behind him sit party and parliamentary figures, spokespersons for domestic agencies, representatives of key interest groups, and the leaders own political advisors" (Putnam 1988: 434). In divided societies, the "domestic" table might include the *imagined community* of voters (including past and future allies) whose preferences and intentions are either negative or undecided ahead of peace mediations.

Following the February 2013 elections, the positive story of the Rally's transformation turned into another disappointment, once external actors failed to understand the dynamics of internal politics in the Greek Cypriot community. Following Anastasiades' victory, there was renewed optimism in the island reunification process and justified reasons to be hopeful. To begin with, the Rally and Anastasiades himself emerged as a classic example of an "ethnic tribune" as defined by Mitchell et al. (2009). Polls ahead of the February 2013 elections showed him as "the most effective leader to negotiate with the outside world," even higher than his voters' base (CYBC 2012b), suggesting that Greek Cypriots could follow his determination even if they did not necessarily agree with him on all issues. At a talk at the London School of Economics (LSE) in November 2012, he used the term "institutional innovation" to underline his own determination for a better quality settlement informed by international standards and experience.

Anastasiades' electoral outreach increased after the alliance with DIKO, making him a clear favorite for the February 2013 elections. He went on to receive a 45.46 percent of the vote in the first round of the elections and then to secure a 57.48 percent in the runoff elections, the largest popular mandate for a Cypriot president in decades. But Anastasiades had little time to enjoy his well-deserved victory. The most important turning point came only weeks following his election, in the devastating decision at the Euro Group summit on March 1, 2013. The European Commission, European Central Bank, and International Monetary Fund (the troika) proposed a €10 billion

loan for Cyprus, provided the government introduced an unprecedented levy for bank savers. The decision initially affected all savers including smaller ones, but eventually concentrated on depositors above €100,000 in the two largest banks of the island.

In a matter of weeks, Cyprus lost its most important industry, international banking, which for critics would have been essential in repaying future loans. In the eyes of the average Greek Cypriot this was seen as a devastating deal, and regardless of the responsibilities of the Christofias presidency some of the blame was attributed to Anastasiades himself. Ironically, his party historically believed in and advocated a “federal Cyprus within a federal Europe.” Anastasiades’ presidential campaign a month earlier emphasized how the EU could help reunite the two communities. He was elected because of his pro-Western vision, but, with the March 2013 bailout plan the Greek Cypriot public at the time lost its trust toward Europe’s values and leaders. At the beginning it looked as if Europe had lost a committed partner in bringing peace in the volatile Eastern Mediterranean region. And despite the bold start of a new peace settlement mediation following the February 2014 joint statement, negotiations were again interrupted in the fall of 2014 following the entry of the Turkish research vessel *Barbaros* into the Cyprus exclusive economic zone, only to be resumed after the election of Mustafa Akıncı in April 2005.

Yet, as argued in this book, in Cyprus there are several examples of how peacemakers have managed to overcome past difficulties. For instance, another surprising Cypriot success story concerns the Maronite residents of Kormakitis, who succeeded in convincing the Turkish Cypriot side to return their village in 2006 despite the failure of the peace process two years earlier. The informal mediation on Kormakitis is a stand-alone paradox, as it happened at a time of major disappointment for Turkish Cypriots following the Greek Cypriot “no” vote in the 2004 referendum. More puzzling was the involvement in the mediation of hardliner Serdar Denktaş. Convinced of the necessity of supporting the Maronite cause, Denktaş was central to the agreement. This has improved his local and international image; his photo now decorates the village coffee shop of Kormakitis. The Maronites have played an increasing role in the rapprochement of the two communities. Admittedly, the remaining three villages belonging to the Maronites remain mostly inaccessible, but the gradual return of Kormakitians to their ancestral space marks the beginning of the process of reversing ethnic cleansing and its bitter legacy in the island.

The Maronite case provides valuable qualitative data to examine return

processes and design provisions for the remaining Greek Cypriot displaced population. The book matches these data with qualitative observations with similar case studies in Bosnia. The data also inspired our participation on a large-*n* survey of the internally displaced, contacted by Cyprus2015 and funded by the UNDP and the EU Commission representation in Cyprus. For instance, Stefanovic and I concluded that nationalist constituencies are not monolithic in their preferences (Loizides and Stefanovic 2012). In other words, those who vote for hardline candidates are more likely to express their intention to return to their pre-1974 homes following a negotiated settlement. By extension, the leaders of and voters for the hardline parties might be less inclined to oppose a settlement, if it includes better arrangements for return in their post-1974 communities.

Chapter 6 looks at another successful Cypriot mediation, this one accomplished by the Committee for Missing Persons (CMP). The CMP appears to have produced better results than the comparable cases of Northern Ireland and South Africa, enabling the exhumation of about half the missing from the 1963–1974 period. As Northern Ireland and South Africa are often set against Cyprus (in this book and the broader literature), the contrast is both puzzling and counter-intuitive. Despite a decade of progress in their respective peace processes, there has been only a modest breakthrough on the issue of the disappeared in both Northern Ireland and post-apartheid South Africa. In contrast, despite the political stalemate in Cyprus the reactivation of the CMP was accompanied by an extensive process of exhuming the missing, widespread public support, and emergence of new bicomunal civil society groups eager to challenge the core assumptions of the island's ethnonationalist partition (Kovras 2014).

The findings of this book have important implications for theoretical perspectives emphasizing framing processes and its relationship to institutional innovation. As discussed in the Introduction, institutional design and innovation could, in principle, address competing grievances aiming to establish the foundations for a durable peace settlement. Yet adversarial frames often eliminate the scope of novel institutional designs. This is hardly a new argument in policy-making, or more broadly in the history of scientific inquiry; the scope of innovation in the natural sciences, for instance, has frequently been restricted by the opposing paradigms dominating a particular era (Kuhn 1962). Likewise, embedded frames divert a society's attention from feasible solutions while restricting policy transfer and lessons from elsewhere.

Yet as the CMP example suggests winning the hearts and minds of divided societies for compromise often entails an alternative “peace frame,” defining the common ground between communities in conflict. Frames propagated by peace movements and moderate politicians also enable conflict resolution by transforming the symbolic landscape of ethnic relations. Cross-issue linkages and alternative scenarios emphasized in the previous chapter could also challenge existing paradigms. Alternative scenario planning makes peace frames more credible by eliminating worst case scenarios but at the same time it requires the “intellectual courage to reveal evidence that does not fit our conceptual maps, especially when it threatens our very existence” (Schoemaker 1995: 38–39).

At the same time, the book’s main case studies demonstrate how institutional innovation could also neutralize the impact of ethnonationalist frames, or coexist with them in a stable symbiotic relationship allowing ethnic communities control in gradually adapting their narratives in respective peace processes. Unlike its South African alternative, the CMP in Cyprus did not engage in a broader reconciliation process or social transformation but simply focused on its specific mission of identifying and exhuming the missing.

This symbiotic relationship between conflict management and nationalism is not unique to Cyprus as a divided society. For instance, the ruling VMRO-DPMNE in the Republic of Macedonia/FYROM, which has been for the most part committed to the Ohrid Framework Agreement, has also maintained a strong emphasis on ethnic nationalism demonstrated in the ludicrous spending for the Skopje 2014 project, which involved construction of impressive monuments, national museums, and statues, including a 22-meter statue of Alexander the Great.¹ The giant statue of Alexander in post-OFA Macedonia is reminiscent of the Orange Parades in Northern Ireland, both supported by actors who have otherwise engaged constructively in peace processes under the d’Hondt system or its alternatives.

On this point, Wolff (2010) argues that the successful transformation of intractable conflicts is conditional on the presence of three interrelated factors: diplomacy, leadership, and institutional design. Of these, I argue that the choice of institutions is the most critical. “Frozen conflicts” such as the one in Cyprus lack a pre-agreed institutional framework. Therefore in mediation attempts, these societies aim to build institutions almost from scratch. The first steps in institution-building are likely to be difficult, but emerging federations can draw lessons from recent institutional innovations elsewhere. Their early choices could set a (dependent) path that would positively

influence future constitutional frameworks. In addition, if we assume that leaders and geopolitics change very slowly, institutional innovation becomes a “flexible” critical factor able to nudge a protracted stalemate in the right direction at the right time. Equally, a lack of innovation might cause a failure, as conflicting sides are unlikely to accommodate on preexisting institutional arrangements.

If we look specifically at Cyprus, we see that the enduring Cypriot stalemate has demonstrated “heightened moments” of EU, U.S., and UN diplomacy, especially during the Cypriot-EU accession process. Unfortunately, this resulted in the aborted 2004 referendum. An equally critical moment occurred in 2008–2010, when for the first time moderate leaders from the left were elected on both sides of the divide. Despite high expectations, negotiations have been wasted on technicalities and domestic issues of minor importance. Focusing on each issue individually in the negotiations restricted cross-issue linkages, as suggested particularly in Chapters 5 and 7.

Admittedly, institutional design *per se* is not a panacea; as shown in Chapter 4, novel ideas such as cross-voting endorsed by the leading moderates and civil society groups in the island failed to catalyze the peace process during the Christofias-Talat mediations. Drawing lessons from other divided societies was the missing ingredient in these failed efforts, particularly as the two sides opted for a “mediation process owned by Cypriots” limiting the input of foreign and UN experts, advising against presidentialism and cross-voting at the time. Lessons from elsewhere and critical innovations could have better met their respective needs and fears. As I demonstrate, alternative designs and innovations can be imported from one setting to another, if they are properly timed, refined, and framed for the local sociopolitical context.

One might assume that given the importance of institutions, aspiring federations and consociations would invest significant amount of time and energy in identifying the most suitable institutional designs, and even become knowledgeable on the options potentially available. Yet even in societies with high human and political capital such as Cyprus, there is generally little investment in the study of other divided societies. Deeply divided societies seldom look outside themselves, simply because forming comparisons with others would contradict their unique image of suffering and victimization. As Petersen (2011) eloquently demonstrates in his critique of rationalist explanations in civil war, conflict-ridden societies frequently fail to act in “reasonable terms.” Creativity and ingenuity under these conditions is not only

rare but also incompatible with a divided society's recent historical trajectory (see also Homer-Dixon 2000).

But what is most puzzling here is not the conservative outlook of deeply divided societies, which may be expected, but the failure of peace studies and academia in general to highlight relative successes, providing a broader methodological and theoretical framework for study of the efficacy of institutions in transforming deeply divided societies. Much of the relevant hypothesizing in the literature is plain and intuitive, suggesting, for example, that forcibly displaced persons would not return to areas where they would assume a minority status (Adelman and Barkan 2011) or that ethnic federalism and consociationalism will promote further conflict (Snyder 2000; Wimmer 2003; Aitken 2007). Exceptions that this book has demonstrated exist and are underemphasized in the literature, which so far has underplayed the variation in the experience of divided societies.

Countering conventional wisdom, I offer four examples in challenging the intractability of conflicts in divided societies. One occurs in Cyprus: as suggested in Chapter 6, the CMP breakthroughs form is a crucial or "least likely" case study. As argued in the Introduction, a case study is described as crucial when it is "least likely" to fulfill a theoretical prediction but does so, thereby going against theoretical predictions at a given time (Eckstein 1975; Gerring 2007). As demonstrated in this book, even in crucial case studies that initially seemed unlikely to follow a peaceful transformation, an enabling institutional design provided the catalyst to nudge ethnic relations to the right direction. By extension, the book defined crucial cases of successful transformation as those that initially evidenced high levels of ethnic division for a variety of reasons, but where actors had nonetheless introduced an innovative institutional arrangement to shape a peaceful postconflict environment. One partial example is Cyprus with regard to the issue of missing persons. Others are South Africa, Northern Ireland, and Bosnia with regard to specific aspects of their peace settlement.

Besides the considerations given in the Introduction, institutions should meet a set of criteria to be considered innovative or "exportable" to other settings. Drawing from the discussion above, the first criterion is for institutions to have worked fairly well under difficult, even prohibitive conditions. Although conflict experts have generally failed to define what "fairly well" means for peace processes in divided societies, certain processes have received widespread praise in policy and academic settings. If a favorable

context or good timing (Zartman 1995) explains the transformation to peace, then institutional innovation might be less important. However, as I argue in preceding chapters, Bosnia, Northern Ireland, and South Africa achieved peace in extremely trying conditions. Arguably, the situation in Cyprus was even more difficult when CMP was reactivated following the Annan Plan failure.

The second important criterion is to ground recommendations in an established theoretical tradition. Although there is a burgeoning literature on mediation in Cyprus and divided societies, policy prescriptions and institutional innovations are rarely linked to theories of ethnic relations or conflict resolution. As Walt argues, policy debates rest on competing theoretical visions and typologies. Theoretical insights are essential for “diagnosing events, explaining their causes, prescribing responses, and evaluating the impact of different policies” (Walt 2005: 23). Reliance on false or flawed theory distorts the assumptions that guide policy decisions and could lead to failures in evaluating the causal link between institutions and outcomes, thereby limiting the import/export of institutions to a different setting.

The third criterion required to make institutions exportable is their “fit” in the new environment. Institutions are judged not only by their long-term performance but also by their immediate effect in mediations. Simplicity in design and presentation could be particularly useful. Innovations need to be simple enough for parties to embrace them in the first place and negotiable at both inter- and intracommunal levels, uniting moderates while dividing hardliners. If the hardliners form a majority in their communities, then a degree of hardliner transformation is necessary for endorsement and durability of a peace settlement. Institutions should incentivize the support of uninitiated constituencies, particularly those with the capacity to veto an agreement.

Institutional innovation should also reduce critical uncertainties. Mediators in divided societies should be aware of the dynamics and risk calculations, including related perceptions of each side, in order to adjust their proposals accordingly. Sides might shun seemingly beneficial agreements if they entail critical risks. Even if things are unlikely to go wrong, sides might still opt for nonagreement if there is no safety net in the event of a potentially devastating outcome. The Cypriot context also demonstrates that groups might make different risk assessments.

By extension, it is important to acknowledge that the risk structures for communities in conflict might differ. For the less prosperous and less

recognized side, a peace settlement might be a “low-risk, low-return” option, while for the prosperous and internationally recognized side, the agreement might be a very risky, high-return option. Institutional arrangements should factor in these risk calculations. For example, linkage models minimize the effects of worst-case scenarios through self-adjustable arrangements. In preceding chapters, I have made a number of security, power-sharing, and demographic proposals, all including self-adjustable arrangements. Here, the concept of *automaticity* in peace settlements drawn from O’Leary (2005a) and McEvoy (2006, 2014) is invaluable. Automaticity is a critical component of institutional innovation; it reduces future frictions, reliance on minority and majority vetoes, and renegotiations on critical issues for any of the sides.

To this point, institutional innovation should consider alternative scenarios with a view to minimizing negative effects for all sides. If worst-case scenarios are still possible, even well-intended moderates will probably reject a peace settlement. Although linkages could mitigate uncertainties, each side should be prepared to take calculated risks, as these are inevitable in any mediation. Likewise, sides should be expected to make compromises on significant issues, as there are also limits to the “merits” of institutional design. Waiting for risk-free solutions will create longer and deeper stalemates in the absence of decisive leadership. At the same time, however, there is a limit to the risks any party in a conflict would afford, and by extension mediators should be in a position to craft proposals that minimize critical uncertainties for stakeholders.

A final point focuses on a set of qualifications as to how “novel” innovations should be in order to be described as such. As stated in the Introduction, Homer-Dixon (2000) uses the related term “ingenuity,” which according to him includes ideas that though not fundamentally novel are nonetheless useful. Ingenuity is not only technical but also social, and includes for instance the choice of institutions, leadership styles, and frames. Social theorists have long pointed that ingenuity is key to social well-being and economic development (230–32). O’Leary (2005a) recognizes that the d’Hondt executive procedure is not necessarily a unique Northern Ireland invention; it has been employed elsewhere, for instance, in the municipality of Copenhagen since 1938. Likewise, as demonstrated in Chapter 6, De Gaulle relied on a mandate referendum in 1961 while variations of the CMP model have also been implemented in Spain and Latin American countries (Kovras 2014). Yet my choice of the term “innovation” follows that of O’Leary (2005a), suggesting that these mechanisms have generally not been well known even among

specialists on peace processes in divided societies. Aiming to cover this gap in the literature, I drew extensively from novel institutional examples and designs across the world. As argued in the previous chapters, such innovations include the 1998 d'Hondt executive in Northern Ireland, the 1992 mandate referendum design in South Africa, and the 1995–1999 Dayton provisions for repatriation of the internally displaced in Bosnia and Herzegovina.

Moderation Through Inclusion: The Northern Irish d'Hondt Executive

As Chapter 3 demonstrates, the d'Hondt executive is a Northern Irish example in power-sharing that entitles political parties *automatically* to translate their electoral representation into ministerial positions. Parties cannot veto one another's choice of ministerial positions; therefore even parties linked to former paramilitaries such as the IRA could be included in government. By inviting everyone to join the Cabinet, d'Hondt skips a problematic and lengthy aspect of consociationalism, that of forming interethnic majority coalitions. The d'Hondt and other similar calculation methods provide a set of straightforward formulas to estimate the number of ministries for each party and to draw the sequence with which ministerial positions are chosen. Participation is entirely voluntary, but if a party stays out of the coalition, the positions automatically go to rival political parties from the same community. This means that if hardliners opt out of this voluntary inclusive coalition, positions are assumed by default by others, most likely moderates.

Inspired by Lijphart's consociational approach, in Chapter 3, I argue that this is the simplest and most inclusive way to share power in a society such as Cyprus that is deeply divided in ethnic terms and between left and right. The system brought an unprecedented level of stability to Northern Ireland, particularly after the St. Andrew's Agreement. This Agreement was unquestionably a turning point for Northern Ireland, as parties fully endorsed the logic of the d'Hondt process, even for the key posts of first and deputy first minister. Essentially, the St. Andrews Agreement abandoned the concurrent (centripetalist) decision-making rule for electing the two premiers stipulated in the 1998 Good Friday Agreement and expanded the principle of automaticity.

The evolution of Northern Irish consociational structures has inevitably influenced my thinking on mediating power-sharing in Cyprus. A previous

coauthored article on this topic (Loizides and Keskiner 2004) supports cross-voting as an amendment to the Annan Plan. Inspired by Horowitz's centripetalist logic, this system offers an alternative to Lijphart's consociationalism. In the 2009 Cyprus peace talks, the UN used cross-voting principles to negotiate a mutually agreed-upon compromise between Greek and Turkish Cypriot leaders. One of the few major breakthroughs of the Talat-Christofia era, the agreement stipulated that two co-presidents (one from each community) would be elected through the reciprocal participation of each community in the other's elections. Although historically supported by civil society actors in the island, cross-voting failed to catalyze progress in mediations and even deepened the stalemate after the election of right-wing Eroğlu.

In general, because cross-voting usually favors moderates, it might not be the best alternative for a divided society seeking political settlement. For one thing, moderates are by definition supportive of compromise and do not need additional incentives to sign up for the peace process (O'Leary 2010). Rather, innovative electoral designs might aim to incentivize support among hardliners with moderate tendencies, eager to partly transform themselves during the peace process. For another, systems that alienate large national-minded constituencies from government could possibly contribute to polarization; if hardliners are already in power, they may take the opportunity to turn down proposals favoring moderate opponents. Thus, through cross-voting, moderates might become trapped in decisions that limit their options in negotiations, including their ability to elicit the support of hardliners.

Of course, consensus democracy as presented by Lijphart's seminal work has broader advantages (1999, 2012). Inclusive consensus democracies, according to his comparative studies, not only are better at managing ethnic diversity but run more effective economic policies, particularly in times of crisis. But how exactly can a Northern Ireland-style executive be achieved in Cyprus and what are the immediate benefits? A consociational d'Hondt arrangement would allow Cypriots to see their elected leaders representing them in a broadly inclusive cabinet the day after the settlement. Unlike third alternatives presented in Chapter 4, such as the Ohrid Framework Agreement, the strength of the proposal lies in the assumption that a single political party from each community cannot address the challenges of reunification. Broad d'Hondt style coalitions will allow everyone to participate in democratic governance and shared responsibility. The formula will discourage exclusions—something to be taken very seriously, as these could become permanent, turning significant constituencies against the peace settlement.

Going beyond the Northern Irish example, I propose a mixed system for Cyprus, one that combines a broad, inclusive “Lijphartian” consociational d’Hondt cabinet with “Horowitzian” centripetalist cross-voting for the presidency. This option appears to be a better alternative, if conservatives remain in the leadership of the Turkish Cypriot community. It would also encourage support across all other parties, including AKEL, by incorporating the major strengths of the Christofias-Talat cross-voting formula. While working in Northern Ireland for five years (2006–2011), I saw first-hand the multiple advantages of the d’Hondt formula, along with its problems. D’Hondt has proved to be robust enough to counter the province’s problematic record of interethnic cooperation; as a result, consociationalism functions relatively well in the province despite the generic obstacles of governance elsewhere in divided societies. Yet Northern Ireland’s deadlocks in the first decade of the Good Friday Agreement suggest that effective arbitration mechanisms might be needed as well. A major critique of d’Hondt is that a government of all parties will lack coordination and consensus. While the Annan Plan aimed at resolving such disputes through the arbitration of the constitutional court, I added in Chapter 3 another layer of arbitration to the reunification structure by entrusting future co-presidents with the authority to mediate future conflicts by consensus. In other words, I suggest a semipresidential system with limited arbitration powers for co-presidents elected through cross-voting as agreed on by Talat and Christofias, thereby enticing the support of CTP and AKEL for a future compromise.

Overall, I take a revised approach to my earlier endorsement of cross-voting that aims at privileging moderates. Following the developments since the 1990s in both Cyprus and Northern Ireland, I came to the conclusion that a system that is broadly neutral and inclusive of all political parties would be more negotiable and durable for divided societies. As stated in previous chapters, a root cause for the prolonged Cypriot stalemate is the failure of pro-reconciliation actors (e.g., political parties) to form effective coalitions. This is the case with TCP-CTP among Turkish Cypriots and AKEL-DISY in the Greek Cypriot community. In fact, government formation in Cyprus is puzzling, as there have been only a few coalitions of likeminded moderate parties in either community. In essence, the d’Hondt formula would not only include the hardliners but also entice Cyprus’s reluctant “moderates” in co-operating for a durable settlement.

Peaceful Return of Victims of Ethnic Cleansing

Conventional wisdom assumes that victims of ethnic cleansing are less likely to return to their former homes with the passage of time, especially if they have achieved similar or better standards of living in a secure environment next to co-ethnics or in the diaspora. In several cases, however, a peaceful reversal of displacement has marked the beginning of postconflict reconciliation and stability (Black and Koser 1999; Leckie 2003). For example, in Bosnia, of the estimated 2.2 million people driven from their homes during the 1992–1995 war, a million or more had returned home by March 2007, while almost half a million had officially repatriated under minority status in areas administered by another ethnic group (Belloni 2008; Black 2001). In essence, Bosnia has avoided the fate of other postconflict areas such as Cyprus, where cease-fire lines have turned into long-term lines of division, hostility, and almost zero returns.

The case of Bosnia offers several lessons for Cyprus and other societies facing protracted displacements: persistence, legal specificity, and effective foreign arbitration. In the early postwar phase (1995–1999), attempts to facilitate returns were either half-hearted or unsuccessful, and were met with strong ultranationalist resistance, including of a set of policies designed to solidify the effects of ethnic cleansing: the refusal to implement property laws, incitement of riots against returnees, open discrimination in judicial systems and employment, and promotion of ethnically intolerant school curricula for returnees' children (Stefanovic and Loizides 2011). The ultranationalists also used "hostile relocation" to create a constituency of co-ethnics with a vested interest in the prevention of the returns.

In Bosnia, trial and error efforts were essential, as it was hard to envision the efficacy of incentives before their implementation. After the failure of the "Open Cities" program granting reconstruction funds to municipalities, the UN was in a position to implement new policies. Of special interest to the Cyprus-Bosnia comparison, the UN High Representative for Bosnia introduced a set of laws to facilitate repossession of residential property. The shift in approach reframed the issue of returns from a heavily politicized exchange of economic aid to municipalities with minimum tolerance for minorities, into an ethnically blind exercise of individual property rights and rule of law. Other divided societies should note the 2000 decision of the Constitutional Court (with the participation of foreign judges) to actively promote reintegration by stipulating that the federal entities could not be considered

exclusively Serb, Croat, or Bosnian Muslim. Rather, they must guarantee legal equality to all citizens, including minority returnees.

The outcome was a success, surprising many international administrators. Estimated minority returns in a number of municipalities rapidly went well beyond 30 percent of their prewar presence. A senior UNHCR officer in Bosnia concluded that UNHCR largely met its responsibilities in terms of refugee returns in Bosnia (ICG 2002). However, a careful look spots some problems in this statement. First, the overwhelming majority of recorded returnees opted to return merely to sell their properties; they then relocated with co-ethnics in their own part of Bosnia (Sert 2008, 2010; Adelman and Barkan 2011). Second, the majority of actual returnees opted to return in predominantly co-ethnic municipalities such as Drvar. These municipalities offer some of the most successful cases of return, thus suggesting the option of rehousing the internally displaced close to their co-ethnics, if they so wish for security reasons. The UNDP/EU commission data from Cyprus point in the same direction (Loizides and Stefanovic 2012).

By extension, the success of the return policies for Greek Cypriots will depend on two main factors. First, resources must be available for UN peacekeeping, along with financial and other material support for the returnees and their recipient communities. Experience from its own past and other postconflict societies also suggests that Cyprus should not be left to its own devices to resolve issues of return. Contrary to the critics' arguments presented in Chapter 3, it is of critical importance for Greek Cypriots that external (e.g., EU) guarantees are provided for post-settlement Cyprus particularly in enforcing the territorial transfers and the right of return. At the same time the EU and UN should be willing to make major commitments as to the security mechanisms in Cyprus and the broader region. These should go beyond current lightly armed UN observers; as Fred Ikle said in a memorable quote at the beginning of the Yugoslav conflicts in the 1990s, when the European Community dispatched unarmed observers to the Balkans: "binoculars are not a good deterrent" (Aybet 2012). At the same time, credible incentives are important and could smooth the return process, especially if both sides receive guarantees against worst-case demographic scenarios.

Interestingly, the principles of reciprocity and automaticity (also employed successfully in the Northern Irish d'Hondt) can help create new mediation formulas for returnees in post-settlement Cyprus. The suggested incentive/linkage approach presented in Chapter 4 could offer a starting point in current negotiations. A more refined follow-up approach would be

for the future Greek Cypriot mediating teams to introduce a comprehensive but nonbinding census survey of preferences among all displaced persons (or rely on the estimates of the Cyprus2015 representative survey). For potential returnees committed to return under Turkish Cypriot administration, the Greek Cypriot mediating team could negotiate their numbers and determine the most favorable conditions for return, including housing, education, hospitals, and voting rights. For the remaining potential returnees, there could be a combination of compensations and restitution. The future right of return for them and future generations could be also guaranteed through the principle of automaticity in incentives and, as discussed in Chapter 4, through a self-adjustable linkage stipulating, for instance, that for every additional Greek Cypriot returnee, Turkish Cypriots would receive an equivalent increase in naturalization quotas with regard to settlers or future migrants.

The settler issue is another aspect of the Cyprus problem that appears intractable according to the accounts of critics. The populations transferred from Turkey to the northern part of the island after 1974 have often been described as settlers or immigrants by rival accounts in the Cypriot conflict (Loizides 2011). On the one hand, immigration studies emphasize that newcomers, particularly migrants, almost never fight civil wars (Laitin 1998, 2009); on the other hand, studies on settlers in contested territories expect inherently unstable relations between settlers and native populations affected by colonization projects (Lustick 1993). The Turkish settlers in Cyprus form a “hybrid” category. While colonization is a violation of international conventions and a major obstacle to peace, Turkish settlers in Cyprus also meet the profile of migrant populations more interested in daily survival issues than in expansionist politics. But this hybridity might be temporary, as settler politics might evolve in either of the two opposing directions predicted by the contrasting immigration and ethnic literatures. Such “hybrid” situations are particularly amenable to institutional design to nudge them to the right direction. On this point, Chapter 4 suggested various institutional innovations drawn or inspired from elsewhere, such as conditional naturalization, asymmetrical citizenship, reserve lands for returnees in majority settler villages, and various compensation schemes for those willing to repatriate to Turkey (e.g., the right to regret).

South Africa's "Yes" Referendum: Can Others Follow?

Successful referendums are described in the peace and conflict literature as adding legitimacy and durability to a negotiated settlement. In the cases of South Africa (1992) and Northern Ireland (1998), referendums have been viewed as facilitating peace settlements by engaging broader segments of the society in the peace process and limiting the role of violent opposition groups (Strauss 1993; Guelke 1999; McGarry and O'Leary 2009a). Moreover, successful peace referendums could be viewed as special moments in the development of peace settlements—a litmus test of a society's capacity to overcome deep divisions and bring forward new political dynamics. But in the case of rapid democratic elections following transitions, premature and "wrongly" designed referendums could inadvertently turn into conflict-inducing rather than conflict-mitigating opportunities (Paris 2004). Even when they aim to facilitate positive political transformation, referendums might have unintended side effects, as in East Timor (1999) or more recently in Kyrgyzstan (2010) and Sudan (2011).

While questioning the broader efficacy of peace referendums, I argue they may sometimes be necessary, given the constitutional or normative constraints of such cases of Sri Lanka, Canada, Iraq (on Kirkuk), or Cyprus. Recognizing that popular voting could be unavoidable or, indeed, the preferred option of local actors, my alternative design recommendations aim to minimize the negative downsides of contentious voting. The book does not wholeheartedly endorse peace settlement referendums; rather, I recognize that strong public expectations (as in Cyprus) often make those an absolute necessity. More important, public expectations frequently restrict necessary debates on alternative or improved ratification processes.

Nonetheless, I make a distinction between mandate and post-agreement referendums. Mandate referendums could help in the early stages of peace processes by offering advice and direction to leaders in the negotiations. Such a referendum took place in South Africa in 1992; it called on the white minority to endorse or reject President de Klerk's reform policies. The referendum was confined to the country's white minority but aimed at negotiating an end to white minority rule through talks with the black majority. Blacks were not allowed to participate, but the ANC issued a statement clarifying that the referendum could benefit the negotiating process and warned pro-apartheid parties against ending the peace process (Strauss 1993: 342). To the surprise of even his own advisors, de Klerk's landslide victory gave him a clear mandate to end apartheid.

The multiple advantages to de Klerk type referendums could inform Cyprus and other divided societies. First, they are less risky for policy innovation. If politicians lose their mandate, they could opt to step down without sacrificing the peace process. De Klerk took a risk, but this was a “calculated gamble” (Steward 2012; de Villiers 2012; de Klerk 1999: 234). Second, early mandate referendums allow communities to prepare themselves for peace negotiations. Assigning a mandate to an elected leader balances democratic accountability with pragmatism in the negotiations. De Klerk could negotiate a credible end to apartheid without fearing (as do his Cypriot counterparts) a risky referendum at the end of the process. Pre-referendums also improve leaders’ negotiating strategies and chances of reaching a settlement. By providing certainty to the other side, more concessions can be demanded at the negotiating table. In addition, internal and informal referendums are a better instrument for international mediation. If successful, an informal referendum could have the same positive effects, but failure has limited consequences because there are no formal international bodies involved in the process. Finally, winning a mandate referendum might help in a subsequent referendum for the comprehensive settlement in situations where a post-agreement referendum is a legal requirement or widely expected by the public as in Cyprus.

These findings on referendums are relevant for other conflict-ridden societies. Apart from Cyprus, those currently debating holding referendum include, among others, Kashmir, Israel/Palestine, and Western Sahara, as well as Iraq with respect to the administrative status of Kirkuk (O’Leary 2012). Yet local actors and international mediators alike are often unaware of the advantages and disadvantages of a particular design. The referendums covered in this book, particularly in Chapter 5, provide a variety of designs, suggesting a number of available, albeit understudied, options for policymakers and mediators. In Cyprus, following Akıncı’s victory a preparatory mandate referendum asking the public to endorse the guiding principles of the settlement could pave the direction and priorities for future negotiations. And as the name suggests, mandate referendums—when successful—could give leaders a directive to continue and take decisive steps towards a peaceful settlement.

Following Cyprus's Path into Recovering the Missing

As I have argued throughout, addressing issues of justice, reconciliation, and amnesty in the aftermath of a conflict might facilitate cooperation in establishing successful institutional mechanisms at the political level. Yet the complex interplay between institutional incentives for intracommunal cooperation and justice initiatives has not been properly theorized in the field of transitional justice. The central question is whether justice and truth recovery are beneficial for the early stages of federal and consociational agreements or whether justice should be delayed until conditions on the ground stabilize (Snyder and Vinjamuri 2003).

The relative success of the recent intercommunal exhumations of missing persons in Cyprus demonstrates that addressing highly emotional and sensitive issues is possible even in the absence of a federal settlement. The same case demonstrates that it is possible to delink issues of transitional justice from political settlements and to prioritize the rights of families of victims from the broader process of reconciliation. As discussed in Chapter 6, by the mid-1990s the Greek Cypriot side realized that any gains from antagonizing Turkey were minimal and even detrimental for the legal standing of the Republic of Cyprus. The revised policy combined two basic innovations: delinkage of the issue of the missing from the wider prospect of a political settlement, and unilateral endorsement of exhumations by the Greek Cypriot side, combined with strong and credible incentives to the Turkish-Cypriot relatives of the missing to cooperate with the Republic. This seemed a sensible unilateral step; even so, Greek Cypriot “over-cooperation” entailed a calculated risk at both the personal/leadership and community level.

Yet societies could identify innovative institutions even when confronted with sensitive and emotional issues. The experience of the CMP points to the merits of delinking sensitive human rights issues from negotiations for a wider political settlement in Cyprus and possibly elsewhere. The success of the CMP was not aimed at social engineering or transforming the perceptions of the “other” (Kovras and Loizides 2011). Rather, both adversarial and cooperative frames remained largely intact at the political level, as policy-makers delinked the issue of the missing from political competition. More important, the CMP avoided antagonizing perpetrators judicially or exposing inconvenient truths for themselves or their families, particularly in the island's smaller communities. Much of the literature in peacemaking has focused on the role of spoiler groups (Stedman 1997), yet few studies have

investigated how innovative arrangements could be sustained despite opposition from such groups. The case of the CMP (and other innovations such as the d'Hondt mechanism) suggests that peacemaking arrangements might be more sustainable if they avoid antagonizing potential spoilers; this is also a point current literature on spoilers has yet to address. Finally, this example suggests that taking calculated risks through unilateral concessions by one side in the conflict could initiate a cycle of cooperation by incentivizing others to reciprocate.

The story of the CMP in Cyprus also shows other societies how to address issues of victimhood, reconciliation, and trust without necessarily relying on ripe moments and comprehensive political settlements. The CMP breakthrough came at a moment when actors had minimal expectations following the derailment of the peace process. Yet the example suggests that less promising times for a settlement are also more suitable for introducing gradual steps in negotiations, and this could offer the catalyst for later settlement. Such periods also allow constructive experimentation and use of innovative ideas in the mediations. Carefully designed steps could initiate the positive transformation of a peace process and build confidence for subsequent stages in the mediation. Instrumentalist approaches generally imply a start from the easiest aspects of the problem delinking for instance humanitarian issues from the overall settlement.

Negotiation theorists use the term "salami tactics," implying that one should not expect to receive the whole salami at once; it is easier (and probably "healthier") to receive it slice by slice. The logic behind this "salami tactic" in postconflict mediations is to delink the most complicated issues from those critical areas of convergence where it is easier to reach a compromise. Gradualist approaches are more prone to proper division of labor (for instance, having various technical teams suggesting alternative breakthrough packages) and experimentation/innovation in design. By contrast, during ripe moments mediators can only make careful use of their time, often sidelining promising options that are nonetheless complex, time-consuming, and likely to be at least initially resisted by the conflicting sides. Ripe moments are also more prone to miscalculation, as demonstrated by the rising expectations on both sides during the Cyprus-EU accession process, and subject to sudden geopolitical shifts. Finally, a large set of innovative ideas are often been produced in relevant peace talks which are on the one hand essential in bringing sides together but on the other could hardly fit within tough timelines of "ripe moments."

A Reunited Cyprus at Last

As argued here, the Committee for Missing Persons in Cyprus, the d'Hondt executive in Northern Ireland, the Bosnian refugee provisions, and the mandate referendum of South Africa represent four conflict-mitigating institutions that have been relatively effective in transforming conflict under "most difficult" conditions. The theoretical rationale for transferring such institutions to other societies locked in protracted conflict is their demonstrated capacity to overcome difficult conditions, as this suggests their applicability in similar or less complicated situations.

A cautionary note for Cyprus and its immediate region: while the book supports and documents a positive view on institutions and their effectiveness in a future settlement, it also cautions against adverse scenarios in the absence of a compromise. Federalism is the only viable option for a negotiated settlement in Cyprus. Other alternatives, such as forced partition or integration of the Turkish Cypriots into a unitary state, would not result from a negotiated process but from coercion or violence.

Likewise, maintaining the status quo will have equally troubling implications. For a generation of Cypriots aspiring to a reunified island, it would mean a lost homeland and the end of the dream of peaceful interethnic coexistence. The reunification of Cyprus and its people would simply not materialize. Equally, for a generation of displaced persons across the divide, partition would continue to have immense material implications in their daily lives. It would mean living permanently in limbo with their current properties disputed by legal owners and being deprived access to their own ancestral lands.

There is an even bigger threat if the Cypriot problem remains unresolved. Cyprus is not located in the heart of Europe but is in a volatile region between the Balkans and the Middle East. The neighborhood surrounding Cyprus, including the two "motherlands," Greece and Turkey, has a plethora of unresolved foreign policy and ethnic minority issues. The post-2008 sovereign debt crisis creates opportunities for conflict resolution, but it also affects social cohesion and threatens the escalation of border crises, if leaders in the region play the diversionary card during the crisis; especially in confronting the rise of the extreme right.

While emphasizing the endurance of Greek-Turkish confrontation since the early stages of the Cyprus conflict in the mid-1950s, the book points to the remarkable changes taking place in the last decades, with the two countries coming much closer. The improvement in Greek-Turkish relations and

the election of Akıncı and Anastasiades in conjunction with the vision of enlarged Europe in the Eastern Mediterranean debated in Chapter 7 offer an opportunity for Cypriots and international diplomats to incentivize a peace process in Cyprus.

Since the 1950s, Greece and Turkey reached a near-war situation at least once each decade. This last decade is a “curious outlier” in the two countries’ crisis behavior. In the future, a combination of factors such as the Greek economic crisis, the conflict over exclusive economic zones (EEZs) and natural gas explorations in the Eastern Mediterranean, and the possible derailment of Turkey’s EU accession might turn the clock back. For Cypriot federalists, this implies a race to fulfill their reunited homeland aspirations before external conditions turn partition into an irreversible fact. But the interests in reunification extend beyond Cyprus. A settlement in Cyprus and the Aegean, particularly if combined with external guarantees for implementation, could preclude another regional Greek-Turkish confrontation. It would also improve prospects for broader regional cooperation involving the Balkan countries, the Arab Middle East and Israel on issues involving energy, trade, and regional conflict management.

In this book, I seek out puzzles, paradoxes, and outlier cases in postconflict societies. Therefore, it is appropriate to end with a question. If the stakes are so high for all sides, why have they so badly mismanaged their time, strategies, and institutional choices? Although I cannot answer this riddle, this book offers a set of alternative options. In Cyprus and the surrounding region, conflict management and power-sharing have yet to demonstrate their potential. This is partly due to the longstanding belief of the various actors that conflict resolution through power-sharing in their societies is uncommon, difficult, and paved with unintentional consequences. As the book has demonstrated, institutional innovation could overcome this enormous roadblock to resolution. Institution building for reunited Cyprus is the next important step after Anastasiades and Akıncı successfully transformed the symbolic landscape of bicommunal relations through confidence building measures in the summer of 2015, establishing the foundations for a peace settlement in the 2015–2016 era. The main motivation in this book has been to reestablish the confidence to peace frequently lost in Cyprus and elsewhere in divided societies by demonstrating how conflict transformation is achievable and effective. In making this statement, *Designing Peace* challenges dominant perceptions and asks stakeholders to take a long hard look at those critical lessons postconflict societies could offer to their neighbors and the world.

Notes

Introduction: Institutional Innovations in Peace Processes

1. See also the relevant CMP publication leaflet promoting the work of the committee and citing the UN Secretary-General's statement as to its significance for the two communities, <http://www.cy.undp.org/content/dam/cyprus/docs/PFF%20Publications/UNDP-CY-CMPleaflet.pdf>.

2. Horowitz (1993) prescribes integrative (or "centripetalist") federations where territorial boundaries transcend ethnic/linguistic lines and political systems incentivize vote pooling across centrist political forces at the expense of minority parties. In contrast, Lijphart (1979, 1996) prescribes consociational federations where federal units respect existing ethnic/linguistic lines and minority parties are represented in central governments (see also McGarry and O'Leary 2009b). For a detailed discussion of centripetalism and consociationalism as well as specific electoral devices prescribed by each, see Chapter 3 and also discussion of alternative models in Sisk (1996: 35–37).

3. For recent exceptions see Yakinthou (2009) and McGarry (2011).

4. For the full text of the Anastasiades and Eroğlu joint statement see http://www.youtube.com/watch?v=2aVUQccNhvU_ (accessed March 8, 2014).

Chapter 1. A Federal Cyprus? Consociational Failures and Prospects

1. Ukraine is also the latest example having adopted a semipresidential system. Ukraine's failure is partly due to absence of a conflict resolution mechanism between the parliament and the presidency. Many thanks to Edward Morgan-Jones for bringing this to my attention.

2. See detailed database on negotiations and crisis involving Greece and Turkey; see the Centre for the Study of Ethnic Conflict, Teaching and Research Datasets, and also others commenting on the potentially explosive nature of Greek-Turkish relations, for instance, Barkey and Gordon (2001).

3. As mentioned in the Introduction, Northern Ireland is an exception to this norm (as is post-OFA Republic of Macedonia), which supports their treatment as "critical cases" overcoming both structural and ideational barriers to power-sharing through proper institutional choice (see also Tannam 2001)

4. Christodoulou was sentenced to prison in 2014 for tax fraud (in what was in fact bribery from a Greek tycoon) as part of the investigations for the financial crisis.

5. GDP per capita has improved dramatically over the AKP period, from \$3,492 in 2002 to

\$10,067 in 2010 (Öniş 2012). Although he recognizes “measurement errors,” Öniş argues that economic growth still represents a considerable achievement under AKP. But see also a critique of AKP’s economic performance in Ozan Cigizoglu, “Demystifying the Turkish Economic Success Under AKP Governance,” June 18, 2013, <http://www.santacs.com/Demystifying%20Turkish%20Economic%20Success.pdf>, accessed January 19, 2015.

6. Personal communication with Gerard Diver, Municipal Councilor, Derry/Londonderry, May 2011.

Chapter 2. The Region’s Federal Movements: Why Did (post-)Ottoman States Fail in Sharing Power?

Epigraphs: Rigas Velestinlis, *Thourios*, trans. N. Loizides; Fakhri al-Barudi, cited in Haim (1964: 46).

1. I am grateful to Alexander Schwartz for pointing this point to me. See also Schwartz (2011).

2. For a review of Kedourie’s related work see O’Leary (2002).

3. A poll for the centrist weekly *Proto Thema* in Greece cited in the *New York Times* found that 52 percent of Greeks favored a unity government, while 36 percent preferred immediate elections to choose a new government, as proposed by the main opposition party (Donadio and Kitrantonis 2011).

4. The proposal included eight regional capitals: Ankara (Region-1), Istanbul (Region-2), Izmir (Region-3), Eskisehir (Region-4), Kayseri (Region-5), Adana (Region-6), Erzurum (Region-7) and Diyarbakir (Region-8).

5. Greek Parliamentary Debates, November 22, 1991: 1574, Library of the Hellenic Parliament.

6. I am grateful to John McGarry for probing me to investigate the debate on multiethnic versus bizonal federation in the late 1970s. See Karamanlis Karamanlis, Archive, Events and Documents, vol. 9, Restoration of Democracy (Period B, September 4, 1975–October 1, 1977), ed. Evanthis Hatzivasiliou, 160–62, 162, http://s3-eu-west-1.amazonaws.com/ikk/vol_09/ikk.html#/11/zoomed, accessed August 31, 2011.

7. Turkish Parliamentary Debates, October 1, 1995, Library: The Grand National Assembly of Turkey.

8. Ibid.

9. O’Malley and Craig (2001) argue the 1974 Turkish invasion of Cyprus was not a failure of American policy but the realization of a long-standing plan. To prove this argument they point to a British proposal to interpose a naval task force between the island and the Turkish invasion fleet vetoed by U.S. secretary of state Henry Kissinger.

10. Personal communication with Rupak Chattopadhyay, president of the Forum of Federations, February 27, 2014. See also Lijphart (1996); Kohli (2001).

11. I am grateful to Brendan O’Leary for pointing out this issue in his original comments in the book’s proposal (see also O’Leary 2002).

12. For a detailed critique on opposing schools of thoughts on federalism and nationalism see O’Leary, 2001a as well as on power-sharing as defined earlier in the Introduction to include both federalism and consociationalism (see also McGarry and O’Leary 1993, 2009a, b).

13. Forum of Federations, <http://www.forumfed.org/en/federalism/index.php>, Federalism by Country, accessed May 5, 2015.

Chapter 3. Innovations in Power-Sharing: The Northern Irish d'Hondt

1. See UN 2003, doc. S/2003/398. Report of the Secretary-General on His Mission of Good Offices in Cyprus, April 1; UN 2004, *The Comprehensive Settlement of the Cyprus Problem*, March 31.

2. See Report of the Secretary-General on His Mission of Good Offices in Cyprus (19)

3. *Comprehensive Settlement of the Cyprus Problem* (10).

4. Moreover, for specified matters, a special majority of two-fifths of sitting senators from each constituent state was required; see *Comprehensive Settlement of the Cyprus Problem* (10).

5. The Annan Plan included the following arrangement with regard to the Turkish Cypriot veto: "the Presidential Council shall strive to reach decisions by consensus. Where it fails to reach consensus, it shall, unless otherwise specified, take decisions by simple majority of members present and voting, provided this comprises at least one member from each constituent state" (*Comprehensive Settlement of the Cyprus Problem*: 10).

6. Unlike the Senate, the Chamber of Deputies was voted based on constituent citizenship status. In theory, the Greek Cypriot side could have increased its 3/4 ratio, if refugees returned in large numbers under a future Turkish Cypriot constituent state and received TC internal constituent state citizenship status; see *The Comprehensive Settlement of the Cyprus Problem* (10).

7. Personal Communication with Chip Gagnon at the "Crossing the Green Line" conference at Cornell University, Ithaca, N.Y., November 7–8, 2003.

8. CIA Library World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>, accessed October 17, 2013.

9. Legally there is no difference between the three presidents. The elected president with the highest number of votes (most likely the Bosniak) assumes the eight-month rotating chairmanship first, unless he/she was already a chair at the time of the elections. The fact that citizens can vote for the presidential candidate of their choice in the Federation means that Bosniaks (or others not identifying with the national categories) could vote en masse for the Croat candidate. Thus the Croat president's elections are more likely to be influenced by the more numerous Bosniak vote, as shown in the last two elections (an unlikely scenario for the Serb president voted in the Republika Srpska). Personal Communication with Florian Bieber, February, 27, 2014.

10. This observation is based on a large-*n* survey of 1007 Bosnians conducted with Djordje Stefanovic following the 1993–1995 war. The findings suggest that only 28 percent of respondents would definitely or probably vote against the Dayton Accords today (Morgan-Jones et al. 2015).

11. There is also the possibility of parties voting for co-presidents directly, that is, introducing a cross-voting system in the Senate (see also Loizides and Keskiner 2003). The advantage of this process is that parties might be able to coordinate better the election of moderate leaders, but there is a potential for deadlock if they fail to agree on joint candidates. Many thanks to John McGarry and Chrysostomos Perikleous for independently suggesting this option.

12. See also Northern Ireland Assembly (Education Service), http://education.niassembly.gov.uk/post_16/how_do_we_elect_mlas, accessed October 17, 2013.

13. For a discussion of additional divisors and design provisions see O'Leary et al. (2005) and McGarry (forthcoming). Also see author's own keynote address for the Cyprus Academic

Dialogue, http://works.bepress.com/neophytos_loizides/25/, accessed March 8, 2014, and interview in *Sunday Politis*, May 5, 2012.

14. Not only federations/consociations but also unitary states face problems in government formation (see, e.g., Turkey in the 1990s and post-2008 Greece). According to a recent study by Louwerse and Van Aels (2013: 14), “in some countries government formation duration has increased, but nowhere nearly as much as in Belgium.”

15. According to its constitution, “Belgium comprises three Communities: the Flemish Community, the French Community and the German-speaking Community,” Belgian House of Representatives, Belgian Constitution, October 2007 (art. 2). In both the Belgian model and the Annan Plan, a process of cross-community consultation is required in the formation of a new government. However, there are also differences in the two models. Unlike the Annan Plan, a minimum threshold of votes in the House of Representatives across the ethnolinguistic divide is not a constitutional requirement in forming a new government in Belgium. There are, however, constitutional provisions as well as norms and conventions as to cross-community support, depending on whether a new government is formed or a new law ratified. A major cross-community constitutional provision is Article 99, which stipulates that “the Council of Ministers is composed of no more than fifteen members. With the possible exception of the prime minister, the Council of Ministers is composed of an equal number of Dutch-speaking members and French-speaking members.” Many thanks to Edward Morgan-Jones and Thibaud Bodson for their comments. See also De Winter and Dumont (2003: 253–81).

16. Decommissioning refers to handing over weapons by paramilitary groups, such as the Irish Republican Army (linked with Sinn Féin) and Ulster Volunteer Force (Unionist militants) (Moore et al. 2014)

17. According to the amended Northern Ireland 1998 Act of the Parliament of the United Kingdom, “the nominating officer of the largest political party of the largest political designation shall nominate a member of the Assembly to be the First Minister,” while the “the nominating officer of the largest political party of the second largest political designation shall nominate a member of the Assembly to be the deputy First Minister,” <http://www.legislation.gov.uk/ukpga/1998/47/section/16A>, accessed March 5, 2014. When this updated Northern Ireland Act legislation was ratified in Westminster, the largest designation condition was taken out (see Shilliday 2011). Currently, the largest party chooses the first minister and the second largest party (from a different designation) the deputy first minister. The two positions are decided independently of the d'Hondt method, in addition to the two junior ministers attached to the office of the first minister and deputy first minister. Personal communication with Gavin Moore, March 5, 2014.

18. Personal communication with former member of the European Parliament Panayiotis Demetriou, April 2012.

19. Turkish Cypriot DP (Demokrat parti), not to be confused with Greek Cypriot DIKO (Democratic Party).

20. The Evangelos Florakis Naval Base explosion occurred on July 11, 2011, when 98 containers of explosives self-detonated after being stored for 2 1/2 years in the sun. The explosion cost the lives of thirteen people and damaged the island's largest power station, responsible for supplying over half Cyprus's electricity. The Iranian explosives had Syria as a destination in a Cypriot-flagged Russian owned vessel seized by the U.S. navy in 2009. The Cyprus government failed to provide safe storage for the explosives and declined offers from Germany, the UK, and France to remove or dispose of the material, fearing reactions from Syria. According to Polys

Polyviou, state-appointed investigator on the incident, former president Dimitris Christofias was mainly to be blamed for the events that led to the explosion. See also Polys Polyviou, “Report of One-Member Committee for the Investigation of the July 11, 2011 Explosion in the Naval Basis ‘Evangelos Florakis’” (in Greek), <http://media.philenews.com/porisma.pdf>, accessed May 6, 2015.

21. The Northern Ireland Assembly has a number of Statutory Committees that advise and assist each Northern Ireland minister to develop policy in specific areas. The chairpersons and deputy chairpersons of the committees are also selected by the nominating officers of the main political parties, depending on party strength. See Northern Ireland Assembly, <http://www.nidi.rect.gov.uk/the-northern-ireland-assembly>, accessed March 5, 2014.

22. See, for instance, Northern Ireland Assembly, “Review of D’Hondt, Community Designation and Provisions for Opposition,” June 18, 2013, <http://www.niassembly.gov.uk/AssemblyBusiness/Committees/>.

Chapter 4. The Way Home: Linkages, Reciprocity, and Lessons from Bosnia

1. Scholars and political figures in Cyprus almost exclusively use the term “refugee,” although technically the majority of Cypriot refugees have not crossed an international border and therefore should be more correctly described as displaced persons. Yet the term has assumed symbolic significance particularly for Greek Cypriots, and has been employed as such by academic authorities in the island. See for instance Loizos (1981); Bryant (2010).

2. In Lilikkas (2012).

3. Report of the Secretary-General on His Mission of Good Offices in Cyprus, April 2003 (6).

4. See note 3 references to the ECtHR rulings in the crafting of the Annan Plan (23–24).

5. The land for peace formula in Israel/Palestine mediations is a key component of UN Security Council Resolution 242 (S/RES/242), adopted unanimously November 22, 1967.

6. For precise figures and the logic of the Plan, see Report of the Secretary-General on His Mission of Good Offices in Cyprus, April 2013 (26); The Comprehensive Settlement of the Cyprus Problem and United Nations; and Report of the Secretary-General on His Mission of Good Offices in Cyprus, 2004, UN Doc. S/2004/43 (20).

7. See note 6.

8. See dedicated website of the project at Cyprus2015, <http://www.cyprus2015.org/> and Center for Sustainable Peace and Democratic Development (SEED), <http://www.seedsofpeace.eu/>, accessed May 13, 2015.

9. In our related project also discussed in Chapter 3, we surveyed 1,007 Bosnian returnees and nonreturnees of the 1993–1995 Bosnian war. Our findings suggested that compared to those who remain displaced, those never displaced are more likely to accept amnesty for war criminals; however, returnees are also more likely to embrace amnesty overall (Hall et al. 2015).

10. Among the respondents, 16.6 percent are likely to return under Turkish Cypriot administration. Based on Map 1 introduced in the Annan Plan, about 100,000 Greek Cypriots will come from the future Turkish Cypriot constituent state; another 100,000 will return under Greek Cypriot administration in the readjusted borderlands (see Loizides and Antoniadis 2009). These decided returnees report family incomes of 2,413 euros per month, an annual income of 14,478 euros per person for a family of two. Displaced persons’ incomes will probably increase once properties in the North become available and if returnees can retain their jobs in the South. Excluding the above, a conservative estimate is that the additional total taxable

income for the Turkish Cypriot constituent state will be about 240 million euros (16,600 returnees x 14,478 annual income). A taxable income of 240 million euros might exceed any other financial benefit for the Turkish Cypriot side. For comparative purposes, the Turkish Cypriot side estimated net transfers from the central government through taxation of only 50 million euros in the Annan Plan. See Report of the Secretary-General on His Mission of Good Offices in Cyprus, April 2003 (27). The estimated contribution of the internally displaced in the Turkish Cypriot economy does not include new incomes following successful post-conflict restitutions or compensations in both communities. Nor does it include likely returnees or net gains from major reconstruction projects due to re-housing.

11. The figure 25,000 is a benchmark that serves the negotiability of the settlement, slightly higher than the 16,000 people estimated in the Cyprus2015 survey. If this figure is reached, the Greek Cypriot communities in the North will be reestablished, adding an element of general satisfaction.

12. In Bosnia, in 2000 the OHR harmonized property laws and expectations across the country, creating the legal prerequisite for large-scale return (Belloni 2005: 440–42). The OHR was given the power to remove officials who were not fulfilling Dayton's commitments, including the right of return (Dahlman and Ó Tuathail 2005: 586).

13. For a comparable argument on international agreements see Keohane (2006).

14. During the negotiations, UN mediators were confronted with a major discrepancy concerning the actual number of the settlers; the Greek Cypriot side suggested 119,000, while Turkish Cypriots claimed 60,000. In response, the UN suggested naturalizing 45,000 people plus everyone married to a Turkish Cypriot, as well as maintaining another 5 percent of the Turkish Cypriot constituent state population as immigrants. If the Greek Cypriot numbers were correct, the remaining settlers would have to leave Cyprus within five years of receiving a small compensation package of no less than 10,000 euros for a household of four (see Loizides and Antoniadou 2009).

15. See Cyprus Academic Dialogue (CAD), Proposals by the Governing Body of CAD on the Property Issue, http://cadcyprus.org/wordpress/?page_id=125, accessed October 18, 2013.

16. It was estimated that approximately 30,000 Pontic Greeks lived in Cyprus and another 25,000 "mainland" Greeks were permanent residents as of 2007: see TO VIMA, "The Campaign to the Immigrants: The Pontics of Cyprus and the Suspicion of the Opposition" (in Greek), June 6, 2007, A42.

Chapter 5. Mandate Peace Referendums: A South African Innovation?

1. For example, Latvia (1998) and Burundi (2005).

2. International and domestic opposition to the referendum forced Papandreou to cancel his decision and resign in order to make way for a national unity government. According to Papandreou himself, he could not announce the referendum earlier when Greece entered its recovery problem because the Greek constitution required a referendum law and Greece did not have one. Personal Communication with George Papandreou, Ankara, February 28, 2015.

3. See interview with Director of "Yes Campaign" in Northern Ireland, Quintin Oliver, on advising the EU in the Cyprus referendum (2009); also see interview with leftist intellectual and academic Nikos Trimikliniotis (2009).

4. Each province's approval was needed for formal ratification; thus, the opportunities for a

new federal and consociational compromise have been restricted since the referendum's failure (Simeon 2009, 2011).

5. "Guatemala: Voters Reject Constitutional Changes." Facts On File World News Digest, 20 May 1999.

6. For work focusing on the South African referendum, consult the *African Affairs* article by Annette Strauss (1993) and the *Politikon* article by Norbert Kersting (2010). See also Garry Sussman's dissertation at the London School of Economics (2004) and Stuart Kaufman's forthcoming work on the topic, <https://www.sas.upenn.edu/polisci/sites/www.sas.upenn.edu/polisci/files/kaufman.pdf>, accessed May 12, 2015.

7. During the campaign, the ANC issued a statement saying that the referendum benefited the negotiating process and emphasized that this should be the last occasion on which South Africa was subject to the indignity of a racial or ethnic referendum. The ANC had no simultaneous referendum to run and therefore felt comfortable intervening to correct the opposition's misinformation campaign (Strauss 1993). See also earlier response to the white farmers' referendum in 1990. ANC Statement on the Referendum of White Farmers, July 4, 1999 (<http://www.anc.org.za/show.php?id=7163>) and landmark debate on the referendum in Proceedings of the House of Assembly of South Africa, February 28, 1992, 1962–1986.

Chapter 6. "Stalemate Theory": A Humanitarian Breakthrough in Cyprus

1. Author's communication with Demetriades and Akıncı at the two conferences organized by the Forum of Cities in Transition in Mitrovica (Kosovo) in 2010 and Derry/Londonderry 2011.

2. For detailed media coverage and chronology of the events organized by the Bu Memleket Bizim movement, see "This Homeland Is Ours," <http://www.stwing.upenn.edu/~durduran/yenicag/1eylul/>, accessed May 12, 2015.

3. Umut Bozkurt, personal communication, June 29, 2013.

4. See The Elders website: <http://theelders.org/article/work-committee-missing-persons-cypru>, accessed April 2013.

5. According to the official website of the Committee of Missing Persons in Cyprus, a total of 502 Turkish Cypriots and 1,493 Greek Cypriots were reported missing by the two communities (CMP 2013).

6. See "The Missing Persons of Cyprus: Untold Stories" roundtable by Sevgül Uludağ and Andreas Paraschos, Portland State University October 2007 organized by the Conflict Resolution Program.

7. For updated figures see Committee for Missing Persons, Quick Fact, at <http://www.cmp-cyprus.org/>, accessed May 12, 2015.

8. Kutlu Adalı, Uludağ's brother-in-law, opposed the Denktaş regime on several occasions. He was assassinated in 1996, likely by Turkish ultranationalists or criminal groups associated with the deep state (i.e., a group of antidemocratic coalitions in Turkey). There has been no arrest for his murder and, according to a landmark ECtHR decision, no "effective investigation into the killing" by Turkey or Turkish Cypriot authorities (ECtHR 2005).

9. Most important, the fourth interstate application of *Republic of Cyprus v. Turkey*, May 10, 2001, Application no. 27581/94.

10. See 10-Point Agreement of May 19, 1979.

11. UN Security Council Resolution 550, S/RES/550. May 11, 1984.

Chapter 7, Europeanization and Hydrocarbons: Alternative Scenario Planning in the Levant

1. Lillikas's 2012 slogan, copied from Anderson (2008), stated: "We might be a small in size people and not be able to do what we want. But we can do what we must" (see campaign website at <http://www.yiorgoslillikas.com>, accessed October 19, 2012).

2. Article 5 of the North Atlantic Treaty stipulates that "the Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security." The article is unclear as to what happens when a NATO member enters into a military confrontation with another member, http://www.nato.int/cps/en/natolive/official_texts_17120.htm, accessed March 5, 2014.

3. See UN 2003 doc. S/2003/398, Report of the Secretary-General on His Mission of Good Offices in Cyprus, April 1 (21); UN 2004, The Comprehensive Settlement of the Cyprus Problem, March 31 (8).

4. For an analysis of Lijphart's criteria as they apply to Cyprus, see also Yakinthou (2009).

5. Turkish Cypriots could benefit as citizens of the Republic of Cyprus through grants, loans, and social services. If those benefits do not exceed the community's historical proportional share (about a fifth of total revenues), the remaining amount could be deposited in an account to support the future Turkish Cypriot constituent state following the settlement. Alternatively, an arrangement could be made as part of confidence-building measures (e.g., financing infrastructure in a Famagusta reunited for all its inhabitants).

Conclusion

1. Interview with Jovan Donev, director of Euro-Balkan Institute, Skopje, 2011; interview with Donce Tasev, Ministry of Foreign Affairs, Skopje, 2011.

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